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Federal Register

NOTICE OF THE DEPARTMENT OF JUSTICE, OFFICE OF THE GENERAL COUNSEL, CONCERNING THE PROPOSED REVISIONS TO THE FEDERAL RULES OF CIVIL PROCEDURE, 1989. The Department of Justice, Office of the General Counsel, is currently reviewing the proposed revisions to the Federal Rules of Civil Procedure, 1989. The proposed revisions are being reviewed in order to determine whether they are consistent with the Department's policy of maintaining the integrity of the Federal Rules of Civil Procedure. The proposed revisions are being reviewed in order to determine whether they are consistent with the Department's policy of maintaining the integrity of the Federal Rules of Civil Procedure.

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There are no comments on the proposed revisions to the Federal Rules of Civil Procedure, 1989, at this time.

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Federal Register

Vol. 54, No. 70

Thursday, April 13, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1962

Servicing and Liquidation of Chattel Security

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Servicing and Liquidation of Chattel Security regulation to remove the requirement to maintain a log of borrowers on the Unapproved Disposition of Security Log. This log is no longer needed since it is required that all security planned to be released be listed on Form FmHA 1962-1. The intended effect of this action is to discontinue maintaining an Unapproved Disposition of Security Log.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Johnny R. Toles, Jr., Farmer Programs Loan Servicing Officer, Farmer Programs, Farmers Home Administration, USDA, Room 5437, Washington, DC 20250, Telephone: (202) 475-4014.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal agency

management, making publication for comment unnecessary.

For the reasons set forth in the final rule related notice to 7 CFR 3015, Subpart V, this activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This action will not create any significant record keeping or reporting burdens or substantially increase costs to the Government and the public.

Programs Affected

These changes affect the following FmHA programs as listed in the catalog of Federal Domestic Assistance:

- 10.404—Emergency Loans.
- 10.406—Farm Operating Loans.
- 10.407—Farm Ownership Loans.
- 10.416—Soil and Water Loans.

This activity impacts upon the Soil and Water Loan Program which is listed in the Catalog of Federal Domestic Assistance under No. 10.416 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR 3015, Subpart V, 48 FR 29112, June 24, 1983).

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—Agriculture, Rural areas.

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1962—PERSONAL PROPERTY

1. The authority citation for Part 1962 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—Servicing and Liquidation of Chattel Security

2. Section 1962.18 is revised to read as follows:

§ 1962.18 Unapproved disposition of chattel security.

(a) *General.* When the County Supervisor learns that a borrower has made a disposition of chattel security in a manner not provided for on Form FmHA 1962.1 or becomes aware of the misuse of proceeds by a borrower, corrective action must be taken to protect the Government's interest.

(b) *Notice to borrowers.* When a borrower has not properly accounted for the use of proceeds from the sale of chattel security, the County Supervisor must request restitution by use of a letter similar to Guide Letter 1962-A-5.

(1) If the borrower makes restitution or provides sufficient information to enable the County Supervisor to post-approve the transaction on Form FmHA 1962-1, no further action will be taken against the borrower. Post-approval can only be given under the conditions set out in 1962.17(b) of this subpart. Only one such transgression can be allowed in any period covered by the Form FmHA 431-2, or other similar plan of operation acceptable to FmHA, between annual security inspections, whichever is appropriate, and this must be made clear to the borrower.

(2) If the borrower does not make restitution, if the County Supervisor cannot post-approve the transaction, or if the borrower makes a second unauthorized disposition of security or a misuse of proceeds after settling the first offense as provided in paragraphs (a) and (b) of this section, the County Supervisor will proceed in accordance with § 1962.49 of this subpart.

Dated: March 21, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89-8721 Filed 4-12-89; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1980

Drought and Disaster Guaranteed Loans; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule, Correction.

SUMMARY: Farmers Home

Administration is correcting a citation contained in 7 CFR Part 1980, Subpart E, Appendix I, published in the January 3, 1989, issue of the Federal Register (54 F.R. 2) as an interim rule implementing a program of guaranteed loans for relief of rural businesses affected by certain natural disasters which occurred in 1988. This correction is to ensure that the interim rule fully reflects the provisions of the regulation.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT:

Lawrence L. Bowles, Acting Chief, Loan Servicing Branch, Business and Industry Division, Farmers Home Administration, USDA, Washington, DC 20250, Telephone: (202) 475-3811.

SUPPLEMENTARY INFORMATION: On

January 3, 1989, Farmers Home Administration published an Interim Rule to implement a program of guaranteed loans to rural businesses affected by certain natural disasters which occurred in 1988. This program is mandated by the Disaster Assistance Act of 1988 (Pub. L. 100-387). A 60 day period for receipt of comment from the public extends to March 6, 1989.

The correction set out below is intended to correct an error contained in the Interim Rule of January 3, 1989. In that Interim Rule, as published (7 CFR Part 1980, Subpart E, Appendix I, paragraph B, reference is twice made to "§ 1980.411(a)(12)." Those references, dealing with debt refinancing, should read "§ 1980.411(a)(11)."

Accordingly, the Farmers Home Administration is correcting Appendix I to Subpart E of 7 CFR Part 1980, published January 3, 1989, as follows:

PART 1980—GENERAL

1. The authority citation for Part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70; Pub. L. 100-387.

Appendix I to Subpart E—[Amended]

2. Paragraph B of Appendix I to Subpart E of Part 1980 is amended in the first two sentences by replacing the citation "§ 1980.411(a)(12)" with the citation "§ 1980.411(a)(11)."

Dated: February 21, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89-8720 Filed 4-12-89; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 89-013]

Importation of Eggs Other Than Hatching Eggs

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: We are establishing restrictions on the importation of eggs (other than hatching eggs) from all countries where *Salmonella enteritidis* (*S. enteritidis*), phage-type 4, is considered to exist. This action is necessary to prevent the introduction of *S. enteritidis*, phage-type 4, into the United States. *Salmonella enteritidis*, phage-type 4, has recently been identified as the cause of numerous outbreaks of a debilitating and sometimes fatal salmonellosis disease in poultry in some areas of Europe. It is known to be spread by poultry and poultry products, including eggs.

DATES: Interim rule effective April 12, 1989. We will consider written comments if they are received on or before June 12, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and two copies to Helene R. Wright, Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket 89-013. Comments we receive may be inspected at USDA, 14th and Independence Avenue, SW., Room 1141, South Building, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Bowen, Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, Room 757, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7834.

SUPPLEMENTARY INFORMATION:

Background

A type of *Salmonella* bacterium known as *Salmonella enteritidis* (*S. enteritidis*), phage-type 4, which has not been detected in poultry flocks in the United States, has been recently identified as the cause of numerous outbreaks of salmonellosis disease in poultry in some areas of Europe, including the Balkan countries, the Iberian Peninsula, and the United Kingdom. It has become the major

source of salmonellosis in humans in England and Wales.

Salmonella enteritidis, phage-type 4, can infect and kill poultry without warning. In flocks infected with the organism, mortality rates can be as high as 20 percent of poultry up to 4 weeks old. Marked stunting may occur in 5 percent of more of the poultry up to 4 weeks old. Marked stunting may occur in 5 percent or more of the poultry in infected flocks. Once introduced, the infection spreads readily throughout a flock. It also may be passed from one generation of poultry to the next by transovarial transmission and egg-shell penetration.

Because of the serious threat to poultry presented by *S. enteritidis*, phage-type 4, we are amending 9 CFR Part 94 to establish restrictions on the importation of eggs (other than hatching eggs) from any country where *S. enteritidis*, phage-type 4, is considered to exist. These restrictions will take effect immediately. (Note: We are also developing restrictions on the importation of hatching eggs and poultry to prevent *S. enteritidis*, phage-type 4, from being introduced into the United States. These restrictions will be published in the Federal Register as amendments to 9 CFR Part 92.)

Canada is currently the only country outside of the United States where poultry flocks are known to be free of *S. enteritidis*, phage-type 4, based on phage-typing of *S. enteritidis* isolates. All other countries fall into one of three categories: (1) They are known to have *S. enteritidis*, phage-type 4, based on phage-typing of *S. enteritidis* isolates; (2) They are known to have *S. enteritidis*, but isolates have not been phage-typed; or (3) Their status with respect to *S. enteritidis* is unknown. Countries where the type of *S. enteritidis* is unknown, or where the presence or absence of *S. enteritidis* is unknown, must be considered potential sources of *S. enteritidis*, phage-type 4, until testing shows otherwise. Therefore, we consider that *S. enteritidis*, phage-type 4, exists in all countries outside the United States except Canada.

Because eggs (other than hatching eggs) are now being imported from countries where we consider *S. enteritidis*, phage-type 4, to exist, immediate action is necessary to prevent these eggs from introducing *S. enteritidis*, phage-type 4, into the United States.

Requirements for Importation

We have identified a series of requirements that we believe will be adequate to allow importation of eggs

(other than hatching eggs) without presenting a significant risk of introducing *S. enteritidis*, phage-type 4, into the United States.

These requirements will apply to eggs (other than hatching eggs) from poultry, game birds, or other birds that: are laid by poultry, game birds, or other birds that were raised in any country where *S. enteritidis*, phage-type 4, is considered to exist; are imported from any country where *S. enteritidis*, phage-type 4, is considered to exist; or are moved into or through any country where *S. enteritidis*, phage-type 4, is considered to exist at any time before importation or during shipment to the United States.

Eggs subject to the requirements may be imported only as follows:

(1) *With a Certificate*

Eggs may be imported under certain conditions if they are accompanied by a certificate signed by a salaried veterinarian of the national government of the country of origin.

The eggs must be imported in cases marked with the identity of the flock of origin and sealed with the seal of the national government of the country of origin. The certificate accompanying the eggs must identify the flock of origin and show the country of origin, the port of embarkation, the port of arrival, the name and address of the exporter and importer, the total number of eggs, and cases of eggs, shipped with the certificate, and the date the certificate was signed. The certificate must be presented to an authorized inspector at the port of arrival when the eggs arrive in the United States. These requirements ensure that we can identify the imported eggs as those that are discussed on the certificate. The requirements also will help prevent eggs that do not qualify for importation from being added to the shipment.

The certificate must state that certain conditions have been met. These conditions are necessary to ensure that the eggs are free of *S. enteritidis*, phage-type 4, and other communicable diseases of poultry. They are as follows:

No more than 90 days before the certificate was signed, a salaried veterinarian of the national government of the country of origin inspected the flock of origin and found no evidence of communicable diseases of poultry.

No salmonellosis caused by *S. enteritidis* occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed, and there is no evidence that the flock of origin was exposed to *S. enteritidis* during the 90 days before the certificate was signed.

The eggs are from a flock of origin found free of *S. enteritidis* as follows:

At least 60 days before the certificate was signed, a veterinary medical officer of the national government of the country of origin took a blood specimen from a representative sample of at least 300 poultry in each house, or if any house contained fewer than 300 poultry, from all the poultry in that house. The blood specimens were tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a tube or plate test. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country. All specimens were negative.

After the blood specimens were drawn as described above, no poultry were added to the flock of origin until a blood specimen from each was tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a plate or tube test, and the specimen was found negative. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country.

Beginning the week after the initial testing of the flock, and continuing once a week thereafter, a salaried veterinarian of the national government of the country of origin collected 25 carcasses, or 10 percent of the carcasses, whichever was greater, of all the poultry that died in each house during the previous week. The carcasses were bacteriologically examined and found negative for *S. enteritidis*. The examinations were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the examinations by the national government of that country.

Inspection of the flock of origin no more than 90 days before the certificate is signed is necessary to provide an initial indication that the flock is healthy. Ninety days is a standard time-frame for an inspection of this nature, providing flexibility for the conduct of the inspection and reasonable assurance, coupled with other requirements, that the eggs produced by the flock will be disease free.

Stipulating that there must be no evidence that *S. enteritidis* was present on adjoining premises or that the flock of origin was exposed to *S. enteritidis* during the 90 days before the certificate is signed helps ensure that the flock is free of even low levels of *S. enteritidis*. If a flock were exposed to *S. enteritidis* more than 90 days before the certificate is signed, it is unlikely that the organism would go undetected; either the flock

would show signs of illness or the bacteria would be recovered on the required tests and examinations.

Blood tests and bacteriological examinations offer the most conclusive evidence that the flock of origin is free of *S. enteritidis*. The initial blood tests, conducted as prescribed, will result in a 95 percent probability of detecting *S. enteritidis* if 1 percent of the flock is infected. Based on the experience of U.S. Department of Agriculture scientists, APHIS believes that these blood tests, followed by weekly bacteriological examinations conducted as specified for a minimum of 60 days, will result in recovery of *S. enteritidis* if the organism is present in a flock. Blood testing of all poultry to be added to the flock is necessary to ensure that the new poultry do not bring *S. enteritidis* into the flock. APHIS believes that in order to obtain the most reliable results from these tests and examinations, they must be conducted at a laboratory in the country of origin approved by the national government of that country.

The certificate also must also certify that the following conditions were met:

The eggs were washed, to remove foreign material from the surface of the shells, and sanitized on the premises of origin with a hypochlorite solution of from 100 ppm to 200 ppm available chlorine (a solution known to destroy *S. enteritidis* bacteria).

The eggs were packed on the premises of origin in previously unused cases, and the cases were sealed, before leaving the premises of origin, with a seal of the national government of the country of origin by the salaried veterinarian who signed the certificate.

Washing and sanitizing the eggs, and packing them in previously unused cases, provides additional assurance that the egg shells are not contaminated with *S. enteritidis* or other pathogens that cause communicable poultry diseases. Requiring the cases to be sealed on the premises of origin ensures that the eggs will not be contaminated during movement from the premises of origin to the port of arrival in the United States. Sealing will also help prevent eggs not qualified for importation from being added to the shipment.

(2) *To an Approved Establishment for Breaking and Pasteurization*

Eggs may be imported for breaking and pasteurization at an approved establishment. They must be moved from the port of arrival to the approved establishment under seal of the United States Department of Agriculture.

Pasteurization is a sterilization process that can destroy most disease-

causing organisms, including *S. enteritidis*, phage-type 4, bacteria. Establishments will be approved for this purpose when the Administrator determines that pasteurization procedures for handling the eggs, and for disposing of egg shells, cases, and packing materials, are adequate to prevent the introduction of *S. enteritidis*, phage-type 4, into the United States.

(3) *For scientific, Educational, or Research Purposes*

Eggs also may be imported, on a case by case basis, for scientific, educational, or research purposes, if the Administrator determines that the importation can be made under conditions that will prevent the introduction of *S. enteritidis*, phage-type 4, into the United States. The eggs must be accompanied by a permit obtained from the Animal and Plant Health Inspection Service (APHIS) prior to the importation and must be moved and handled as specified on the permit to prevent the introduction of *S. enteritidis*, phage-type 4, into the United States.

(4) *Other*

The eggs may be imported when the Administrator determines that the eggs have been cooked or processed or will be handled in a manner that will prevent the introduction of *S. enteritidis*, phage-type 4, into the United States; the eggs are accompanied by a permit obtained from APHIS prior to the importation; and the eggs are moved and handled as specified on the permit to prevent the introduction of *S. enteritidis*, phage-type 4, into the United States.

Miscellaneous

To improve the overall readability and clarity of the regulations, we are making several editorial changes to § 94.6. These include moving definitions now included in paragraph (b) to the definitions section of Part 94 (§ 94.0). The description of sentinel birds previously included in footnote 3 of § 94.6 has been revised and moved to § 94.0 also. We are also adding several definitions related to the provisions for *S. enteritidis*, phage-type 4, and we are revising "Country of origin" so that, for eggs, it means the country in which the eggs were laid.

Also, the rule portion of this docket includes requirements concerning importation of eggs (other than hatching eggs) from countries where Exotic Newcastle disease (VWND) is considered to exist. We have made only nonsubstantive changes to these provisions. We have shown them to avoid making piecemeal changes that could be hard for readers to follow.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. *Salmonella enteritidis*, phage-type 4, has recently been identified as the cause of numerous outbreaks of salmonellosis disease in poultry in some areas of Europe, including the Balkan countries, the Iberian Peninsula, and the United Kingdom, and is considered to exist in all foreign countries except Canada. This organism has not been found in the United States and would present a serious threat to the poultry industry in this country if introduced. Immediate action is necessary to prevent eggs (other than hatching) that may be contaminated with *S. enteritidis*, phage-type 4, from coming into the United States.

Because prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these emergency conditions, we find good cause under 5 U.S.C. 553 for making this rule effective upon publication in the Federal Register. We will consider written comments that are received within 60 days of publication of this interim rule in the Federal Register. After the comment period closes, we will publish a final rulemaking in the Federal Register, including a discussion of any comments we receive and any amendments we make to the interim rule based on the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This emergency situation makes compliance with section 603 and timely

compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) impracticable. This rule may have a significant economic impact on a substantial number of small entities. If we determine that this is so, we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Impact Analysis.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR 3015, Subpart V.)

List of Subjects in 9 CFR Part 94

Animal diseases, Exotic Newcastle disease, Garbage, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Salmonellosis.

Accordingly, we are amending Part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for Part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 94.0, revise the definition of "Country of origin", and add the following definitions, in alphabetical order, to read as follows:

§ 94.0 Definitions.

* * * * *

Birds. All members of the class Aves (other than poultry or game birds).

Country of origin. For meat and meat products, the country in which the animal from which the meat or meat products were derived was both raised and slaughtered; and for eggs, the country in which the eggs were laid.

* * * * *

Exotic Newcastle disease (VWND). The velogenic, viscerotropic form of Newcastle disease.

Flock of origin. The flock in which the eggs were produced.

Game birds. Migratory birds, including certain ducks, geese, pigeons, and doves ("migratory" refers to seasonal flight to and from the United States); free-flying quail, wild grouse, wild pheasants (as opposed to those that are commercial, domestic, or pen-raised).

House. A structure, enclosed by walls and a roof, in which poultry are raised.

Poultry. Chickens, turkeys, swans, partridges, guinea fowl, pea fowl; nonmigratory ducks, geese, pigeons, and doves; commercial, domestic, or pen-raised grouse, pheasants, and quail.

Premises of origin. The premises where the flock of origin is kept.

Salmonella enteritidis. An organism that causes salmonellosis.

Salmonella enteritidis, phage-type 4. A virulent type of *Salmonella enteritidis* bacteria.

Salmonellosis. An infectious disease caused by species of *Salmonella* bacteria.

Sentinel bird. A chicken that has been raised in an environment free of pathogens that cause communicable diseases of poultry and that has not been infected with, exposed to, or immunized with any strain of virus that causes Newcastle disease.

§ 94.6 [Amended]

3. In § 94.6, remove paragraphs (c), (f), (g), and (h), and redesignate paragraphs (d) introductory text, (d)(1), (d)(2), (d)(3), (d)(4), and (e) as paragraphs (c) introductory text, (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5).

4. In § 94.6, revise footnote 1 to read as follows: "The names and address of approved establishments may be obtained from, and requests for approval may be made to, the Administrator, c/o the Import-Export Products Staff, VS, APHIS, USDA, Room 757, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782."

5. In § 94.6, revise redesignated paragraph (c)(5) by removing the words "which do not qualify for importation under paragraph (c) or (d) of this section" and add, in their place, "that do not otherwise qualify for importation under paragraph (c) of this section"; and by adding a third sentence to read as follows: "Application for a permit may be made in accordance with paragraph (e) of this section."

6. Amend § 94.6 by revising the section heading, paragraphs (a) and (b) and the introductory text to

redesignated paragraph (c), and by adding new paragraphs (d) and (e) to read as follows:

§ 94.6 Carcasses, or parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from countries where Exotic Newcastle disease (VVND) or *S. enteritidis* is considered to exist.

(a) *Countries where Exotic Newcastle disease (VVND) is considered to exist.*

(1) Exotic Newcastle disease (VVND) is considered to exist in all countries of the world except those listed in paragraph (a)(2) of this section.

(2) The following countries are considered to be free of Exotic Newcastle disease (VVND): Australia, Canada, Denmark, Fiji, Finland, Great Britain (England, Scotland, Wales, and the Isle of Man), Iceland, New Zealand, Northern Ireland, Norway, Republic of Ireland, and Sweden.

(b) *Countries where *S. enteritidis*, phage-type 4, is considered to exist—*(1) *S. enteritidis*, phage-type 4, is considered to exist in all countries of the world except those listed in paragraph (b)(2) of this section.

(2) The following countries are considered to be free of *S. enteritidis*, phage-type 4: Canada.

(c) *Carcasses, and parts or products of carcasses, from countries where VVND is considered to exist.*

Carcasses, and parts or products of carcasses, of poultry, game birds, or other birds may be imported only in accordance with this section if they: are of poultry, game birds, or other birds that were raised or slaughtered in any country where VVND is considered to exist (see paragraph (a) of this section); are imported from any country where VVND is considered to exist; or are moved into or through any country where VVND is considered to exist at any time before importation or during shipment to the United States.

(d) *Eggs (other than hatching eggs) from countries where VVND or *S. enteritidis* is considered to exist.* Eggs (other than hatching eggs²) from poultry, game birds, or other birds may be imported only in accordance with this section if they: are laid by poultry, game birds, or other birds that were raised in any country where VVND or *S. enteritidis*, phage-type 4, is considered to exist (see paragraphs (a) and (b) of this section); are imported from any country where VVND or *S. enteritidis*, phage-type 4, is considered to exist; or are moved into or through any country

² The requirements for importing hatching eggs are contained in Part 92 of this chapter.

where VVND or *S. enteritidis*, phage-type 4, is considered to exist at any time before importation or during shipment to the United States.

(1) *With a certificate.* The eggs may be imported if they are accompanied by a certificate signed by a salaried veterinarian of the national government of the country of origin and:

(i) The eggs are imported in cases marked with the identity of the flock of origin and sealed with the seal of the national government of the country of origin.

(ii) The certificate accompanying the eggs is presented to an authorized inspector when the eggs reach the port of arrival in the United States.

(iii) The certificate identifies the flock of origin and shows the country of origin, the port of embarkation, the port of arrival, the name and address of the exporter and importer, the total number of eggs, and cases of eggs, shipped with the certificate, and the date the certificate was signed.

(iv) The certificate states that the eggs qualify for importation in accordance with this section.

(v) No more than 90 days before the certificate was signed, a salaried veterinary officer of the national government of the country of origin inspected the flock of origin and found no evidence of communicable diseases of poultry.

(vi) The eggs were washed, to remove foreign material from the surface of the shells, and sanitized on the premises of origin with a hypochlorite solution of from 100 ppm to 200 ppm available chlorine.

(vii) The eggs were packed on the premises of origin in previously unused cases.

(viii) Before leaving the premises of origin, the cases in which the eggs were packed were sealed with a seal of the national government of the country of origin by the salaried veterinarian who signed the certificate.

(ix) And, if the eggs were laid in any country where VVND is considered to exist (see paragraph (a) of this section):

(A) No VVND occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed.

(B) There is no evidence that the flock of origin was exposed to VVND during the 90 days before the certificate was signed.

(C) The eggs are from a flock of origin found free of VVND as follows:

(1) Sentinel birds³ were present in the flock of origin for at least 60 days before the certificate was signed. There was at least 1 sentinel bird per 1,000 poultry, with at least 30 sentinel birds per house. The sentinel birds remained free of clinical and immunological evidence of VVND as demonstrated by negative hemagglutination inhibition tests conducted on blood samples drawn at 10-day intervals by a salaried veterinary officer of the national government of the country of origin. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country.

(2) Once every week, beginning at least 60 days before the certificate was signed, a salaried veterinary officer of the national government of the country of origin collected carcasses of all poultry that died during that week, and the carcasses were examined for VVND using the embryonated egg inoculation technique. Once a month, beginning at least 60 days before the certificate was signed, a salaried veterinary officer of the national government of the country of origin collected tracheal and cloacal swabs from not less than 10 percent of the poultry in the flock, and the swabs were tested for VVND. All examinations and tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests and examinations by the national government of that country. All results were negative for VVND.

(x) And, if the eggs were laid in any country where *S. enteritidis*, phage-type 4, is considered to exist (see paragraph (b) of this section):

(A) No salmonellosis caused by *S. enteritidis* occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed.

(B) There is no evidence that the flock of origin was exposed to *S. enteritidis* during the 90 days before the certificate was signed.

(C) The eggs are from a flock of origin found free of *S. enteritidis* as follows:

(1) At least 60 days before the certificate was signed, a veterinary medical officer of the national government of the country of origin took a blood specimen from a representative sample of at least 300 poultry in each house, or, if any house contained fewer than 300 poultry, from all the poultry in

that house. The blood specimens were tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a tube or plate test. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country.

(2) Beginning the week after the flock was tested and found negative as required in paragraph (d)(1)(x)(C)(1) of this section, and continuing once a week thereafter, a salaried veterinarian of the national government of the country of origin collected 25 carcasses, or 10 percent of the carcasses, whichever was greater, of all the poultry that died in each house during the previous week. The carcasses were bacteriologically examined and found negative for *S. enteritidis*. The examinations were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the examinations by the national government of that country.

(3) After the blood specimens were drawn as required in paragraph (d)(1)(x)(C)(1) of this section, no poultry were added to the flock of origin until a blood specimen from each was tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a plate or tube test, and the specimen was found negative. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country.

(2) To an approved establishment for breaking and pasteurization. The eggs may be imported if they are moved from the port of arrival in the United States, under seal of the United States Department of Agriculture, to an approved establishment¹ for breaking and pasteurization. Establishments will be approved when the Administrator determines that pasteurization and sanitation procedures for handling the eggs, and for disposing of egg shells, cases, and packing materials, are adequate to prevent the introduction of VVND or *S. enteritidis*, phage-type 4, into the United States.

(3) For scientific, educational, or research purposes. The eggs may be imported if they are imported for scientific, educational, or research purposes and the Administrator has determined that the importation can be

made under conditions that will prevent the introduction of VVND or *S. enteritidis*, phage-type 4, into the United States. The eggs must be accompanied by a permit obtained from APHIS prior to the importation in accordance with paragraph (e) of this section, and they must be moved and handled as specified on the permit to prevent the introduction of VVND or *S. enteritidis*, phage-type 4, into the United States.

(4) Other. The eggs may be imported when the Administrator determines that the eggs have been cooked or processed or will be handled in a manner that will prevent the introduction of VVND or *S. enteritidis*, phage-type 4, into the United States. The eggs must be accompanied by a permit obtained from APHIS prior to the importation in accordance with paragraph (e) of this section, and they must be moved and handled as specified on the permit to prevent the introduction of VVND or *S. enteritidis*, phage-type 4, into the United States.

(e) To apply for a permit, contact the Administrator, c/o the Import-Export Products Staff, VS, APHIS, USDA, Room 757, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Done in Washington, DC, this 10th day of April 1989.

James W. Glosser,
Administrator, Animal and Plant Health
Inspection Service.

[FR Doc. 89-8775 Filed 4-12-89; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Devices and Radiological Health (CDRH)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority, relating to responses to citizen petitions under Part 10, in order to delegate additional authority to CDRH officials.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT:

Ellen Rawlings, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

³For information on sources of sentinel birds, contact the Administrator, c/o the Operational Support Staff, VS, APHIS, USDA, Room 771, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

¹The names and addresses of approved establishments may be obtained from, and requests for approval may be made to, the Administrator, c/o the Import-Export Products Staff, VS, APHIS, USDA, Room 757, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

SUPPLEMENTARY INFORMATION: FDA is amending § 5.31 *Petitions under Part 10* (21 CFR 5.31) by adding new paragraph (e)(5) that will authorize the Director and Deputy Director, CDRH, to issue 180-day tentative responses to citizen petitions on medical device matters under § 10.30 of this chapter. This redelegation of authority will help expedite responses to citizen petitions and will be consistent with authority delegated to other centers within the agency.

Further redelegation of authority is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such a position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552; 7 U.S.C. 2217; 15 U.S.C. 638, 1451 *et seq.*, 3701 *et seq.*; 21 U.S.C. 41 *et seq.*, 61–63, 141 *et seq.*, 301–392, 467(b), 679(b), 801 *et seq.*, 823(f), 1031 *et seq.*; 35 U.S.C. 156; 42 U.S.C. 219, 241, 242(a), 242a, 242l, 242o, 243, 262, 263, 263b through 263m, 264, 265, 300u *et seq.*, 1395y and 1395y note, 3246b(b)(3), 4831(a), 10007, and 10008; Federal Caustic Poison Act (44 Stat. 1406); Federal Advisory Committee Act (Pub. L. 92–463); E.O. 11490, 11921, 12591.

2. Section 5.31 is amended by adding new paragraph (e)(5) to read as follows:

§ 5.31 Petitions under Part 10.

(e) * * *

(5) The Director and Deputy Director, CDRH, are authorized to issue 180-day tentative responses to citizen petitions on medical device matters under § 10.30(e)(2)(iii) of this chapter that relate to the assigned functions of that Center.

Dated: April 5, 1989.

Ronald G. Chesemore,
Acting Commissioner for Regulatory Affairs.
[FR Doc. 89–8654 Filed 4–12–89; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of 3,4-Methylenedioxy-N-ethylamphetamine and N-Hydroxy-3,4-methylenedioxyamphetamine into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to place 3,4-methylenedioxy-N-ethylamphetamine and N-hydroxy-3,4-methylenedioxyamphetamine into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action is based on findings made by the DEA Administrator, after a review and evaluation of the relevant data by both DEA and the Acting Assistant Secretary for Health, that 3,4-methylenedioxy-N-ethylamphetamine and N-hydroxy-3,4-methylenedioxyamphetamine meet the statutory criteria for inclusion in Schedule I of the CSA. As a result of this final rule, the regulatory controls and criminal sanctions of Schedule I are applicable to the manufacture, distribution, importation, exportation and possession of 3,4-methylenedioxy-N-ethylamphetamine and N-hydroxy-3,4-methylenedioxyamphetamine.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, DC 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On October 14, 1988, in a notice of proposed rulemaking published in the *Federal Register* (53 FR 40390), after a review of relevant data, the DEA Administrator proposed to place 3,4-methylenedioxy-N-ethylamphetamine and N-hydroxy-3,4-methylenedioxyamphetamine into Schedule I of the CSA pursuant to 21 U.S.C. 811(a). By letter dated April 5, 1989, the DEA Administrator received the scientific and medical evaluation and scheduling recommendation for 3,4-methylenedioxy-N-ethylamphetamine and N-hydroxy-3,4-methylenedioxyamphetamine from the Acting Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services. He recommended that 3,4-methylenedioxy-N-ethylamphetamine and N-hydroxy-3,4-

methylenedioxyamphetamine be placed into Schedule I of the CSA.

The proposed rule provided the opportunity for interested parties to submit comments, objections or requests for a hearing regarding the proposed scheduling of 3,4-methylenedioxy-N-ethylamphetamine and N-hydroxy-3,4-methylenedioxyamphetamine. There was one request to conduct a hearing on the religious use of 3,4-methylenedioxy-N-ethylamphetamine. The DEA Administrator denied the request on the grounds that religious use of a substance is not a relevant factor to be considered in determining whether 3,4-methylenedioxy-N-ethylamphetamine should be controlled under the CSA and into what schedule it should be placed. No comments, objections or requests for hearing were received regarding N-hydroxy-3,4-methylenedioxyamphetamine.

Both drugs have additional names. Other chemical names of 3,4-methylenedioxy-N-ethylamphetamine include N-ethyl-3,4-methylenedioxyamphetamine, N-ethyl-3,4-methylenedioxyphenylisopropylamine, N-ethyl-alpha-methyl-3,4-(methylenedioxy)phenethylamine and N-ethyl-alpha-methyl-1,3-benzodioxole-5-ethanamine. Various chemical names of N-hydroxy-3,4-methylenedioxyamphetamine include 3,4-methylenedioxy-N-hydroxyamphetamine, N-hydroxy-3,4-methylenedioxyphenylisopropylamine, 1-(3,4-methylenedioxyphenyl)-2-hydroxyaminopropane, N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy-alpha-methyl-1,3-benzodioxole-5-ethanamine.

Both 3,4-methylenedioxy-N-ethylamphetamine (MDE) and N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-MDA) are analogs of 3,4-methylenedioxymethamphetamine (MDMA). They have been reported to cause psychotomimetic effects in humans. Data collected from various animals studies, utilizing various pharmacological tests, indicate that both substances have a behavioral and self-administration profile that resembles 3,4-methylenedioxyamphetamine (MDA) and MDMA. A number of studies, utilizing laboratory animals, have provided evidence to suggest that MDE causes neurotoxic effects similar to that produced by MDA or MDMA. To date, one study using rats has provided evidence of neurotoxicity induced by N-hydroxy-MDA. Both substances have been found in the illicit drug market. The

street name for MDE is "Eve". Both substances have been produced in clandestine laboratories and identified in drug evidence submissions to forensic laboratories.

Based upon the investigation and review conducted by DEA and upon the scientific and medical evaluation and recommendation of the Acting Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services, received in accordance with 21 U.S.C. 811(b), the DEA Administrator, pursuant to the provisions of 21 U.S.C. 811 (a) and (b), finds that:

(1) 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine have a high potential for abuse;

(2) 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine have not currently accepted medical use in treatment in the United States, and

(3) 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine lack accepted safety for use under medical supervision.

These findings are consistent with the placement of 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine into Schedule I of the CSA.

All regulations applicable to Schedule I substances continue to be effective as of April 13, 1989 with respect to 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine. These substances have been in Schedule I pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h) since October 15, 1987. The current applicable regulations are as follows:

1. **Registration.** Any person who manufactures, distributes, delivers, imports or exports 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine or who engages in research or conducts instructional activities with respect to these substances, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. **Security.** 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine must be manufactured, distributed and stored in accordance with §§ 1301.71-1301.76 of Title 21 of the Code of Federal Regulations.

3. **Labeling and Packaging.** All labels and labeling for commercial containers of 3,4-methylenedioxy-*N*-

ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine must comply with the requirements of §§ 1302.03-1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. **Quotas.** All persons required to obtain quotas for 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. **Inventory.** Every registrant required to keep records and who possesses any quantity of 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine shall take an inventory pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations of all stocks of these substances on hand.

6. **Records.** All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine.

7. **Reports.** All registrants required to submit reports pursuant to §§ 1304.34-1304.37 of Title 21 of the Code of Federal Regulations shall do so regarding 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine.

8. **Order Forms.** All registrants involved in the distribution of 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine must comply with the order form requirements of §§ 1305.01-1305.16 of Title 21 of the Code of Federal Regulations.

9. **Importation and Exportation.** All importation and exportation of 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. **Criminal Liability.** Any activity with respect to 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that the scheduling of 3,4-methylenedioxy-*N*-ethylamphetamine and *N*-hydroxy-3,4-methylenedioxyamphetamine, as ordered herein, will not have a significant impact upon small businesses or other entities whose interests must be

considered under the Regulatory Flexibility Act (Pub. L. 96-354). This action involves the control of substances that have no legitimate medical use or manufacturer in the United States.

In accordance with the provisions of section 201(a) of the CSA (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193). This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)), and delegated to the Administrator of DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby orders that 21 CFR 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Section 1308.11(d) is amended by redesignating paragraphs (d)(8) through (d)(25) to (d)(10) through (d)(27) and by adding new paragraphs (d)(8) and (d)(9) to read as follows:

§ 1308.11 Schedule I.

- (d) * * *
- (8) 3,4-methylenedioxy-*N*-ethylamphetamine (also known as *N*-ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, *N*-ethyl MDA, MDE, MDEA..... 7404
- (9) *N*-hydroxy-3,4-methylenedioxyamphetamine (also known as *N*-hydroxy- α -methyl-3,4(methylenedioxy)phenethylamine, and *N*-hydroxy MDA..... 7402
- * * *

3. Section 1308.11(g) is amended by removing paragraphs (g)(3) and (g)(4)

and redesignating (g)(5) and (g)(6) as (g)(3) and (g)(4).

John C. Lawn,
Administrator.

Date: April 10, 1989.

[FR Doc. 89-8755 Filed 4-12-89; 8:45 am]

BILLING CODE 4410-09-M

21 CFR Part 1308

Schedules of Controlled Substances; Placement of (±)cis-4-methylaminorex into Schedule I

AGENCY: Drug Enforcement
Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to place (±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine ((±)cis-4-methylaminorex), a stimulant, into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action is taken following a review and evaluation of the relevant data by both DEA and the Acting Assistant Secretary for Health of the Department of Health and Human Services (DHHS). Based on these reviews, the DEA Administrator finds that (±)cis-4-methylaminorex meets the statutory criteria for placement into Schedule I of the CSA. As a result of this final rule, the regulatory controls and criminal sanctions of Schedule I will be applicable to the manufacture, distribution, importation, exportation and possession of (±)cis-4-methylaminorex.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT:
Howard McClain, Jr., Chief, Drug
Control Section, Drug Enforcement
Administration, Washington, D.C.
20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: (±)cis-4-methylaminorex is a potent central nervous system stimulant that is similar in its pharmacological action to amphetamine, a Schedule II substance. This substance has been produced in clandestine laboratories, identified in drug evidence submissions and associated with at least two overdose deaths.

On October 15, 1987, the Administrator of DEA issued a final rule in the Federal Register temporarily placing 4-methylaminorex into Schedule I of the CSA for one year pursuant to the emergency scheduling provisions of 21 U.S.C. 811(h). This action was based on a finding by the Administrator of DEA that the emergency scheduling of 4-

methylaminorex was necessary to avoid an imminent hazard to the public safety. Emergency control was extended until April 15, 1989 through issuance of an additional final rule (53 FR 40061).

On October 14, 1988, in a notice of proposed rulemaking published in the Federal Register (53 FR 40391), the DEA Administrator proposed to place 4-methylaminorex (4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) in Schedule I of the CSA. This proposal followed a review of the relevant data by DEA pursuant to 21 U.S.C. 811(a). The proposed rule provided the opportunity for interested parties to submit comments, objections or requests for a hearing regarding the proposed scheduling of 4-methylaminorex. There was one comment submitted on October 18, 1988 by an individual who expressed an interest in the use of 4-methylaminorex as a nasal decongestant. Since receipt of that comment, two requests for a hearing were received from the same individual on January 30 and February 3, 1989. Since the requests for a hearing were not filed in a timely manner and did not follow the procedures set forth in 21 CFR 1303.44 and 1303.45, they have been denied.

During the period of temporary control of 4-methylaminorex in Schedule I, DEA gathered information regarding the abuse and abuse potential, the clandestine manufacture and the illicit distribution and trafficking of 4-methylaminorex. The Administrator of DEA submitted this information by letter to the Assistant Secretary for Health (DHHS) and recommended that 4-methylaminorex be placed into Schedule I of the CSA. Enclosed with the letter was a document prepared by the DEA entitled "Scheduling Recommendation for 4-methylaminorex." The document contained a review of the factors which the CSA requires the Attorney General (delegated to the Administrator of DEA) to consider (21 U.S.C. 811(b)) and the summarized recommendations regarding the scheduling of 4-methylaminorex.

As stated in the proposed rulemaking, DEA's final decision concerning the scheduling of 4-methylaminorex took into account the recommendation of the Acting Assistant Secretary for Health (DHHS), its own review, and any information received in response to this proposal. By letter dated April 5, 1989, the DEA Administrator received the scientific and medical evaluation and scheduling recommendation for 4-methylaminorex from the Acting Assistant Secretary for Health (DHHS). The recommendation stated that (±)cis-4-methylaminorex has actions that are consistent with central nervous system

stimulation of the amphetamine type and that it should be placed into Schedule I of the CSA.

Based on the information gathered and reviewed by DEA and the recommendation of the Acting Assistant Secretary for Health (DHHS), the Administrator of DEA, pursuant to the provisions of 21 U.S.C. 811(a), finds that:

- (1) (±)cis-4-methylaminorex has a high potential for abuse;
- (2) (±)cis-4-methylaminorex has no currently accepted medical use in treatment in the United States; and
- (3) There is a lack of accepted safety for use of (±)cis-4-methylaminorex under medical supervision.

The above findings are consistent with the placement of (±)cis-4-methylaminorex into Schedule I of the CSA. In accordance with 21 U.S.C. 811(h)(5), the emergency scheduling order for (±)cis-4-methylaminorex shall be vacated on the effective date of this final rule, with the placement of (±)cis-4-methylaminorex into Schedule I of the CSA pursuant to 21 U.S.C. 811(a).

Since (±)cis-4-methylaminorex is already under temporary control in Schedule I, all regulations applicable to Schedule I substances continue to be effective as of April 13, 1989.

The current applicable regulations are as follows:

1. **Registration.** Any person who manufactures, distributes, delivers, imports or exports (±)cis-4-methylaminorex or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. **Security.** (±)cis-4-methylaminorex must be manufactured, distributed and stored in accordance with §§ 1301.71-1301.76 of Title 21 of the Code of Federal Regulations.

3. **Labeling and packaging.** All labels and labeling for commercial containers of (±)cis-4-methylaminorex must comply with the requirements of §§ 1302.03-1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. **Quotas.** All persons required to obtain quotas for (±)cis-4-methylaminorex shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. **Inventory.** Every registrant required to keep records and who possesses any quantity of (±)cis-4-methylaminorex shall take an inventory pursuant to §§ 1304.11-1304.19 of Title 21 of the

Code of Federal Regulations of all stocks of this substance on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on (±) *cis*-4-methylaminorex.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.34-1304.37 of Title 21 of the Code of Federal Regulations shall do so regarding (±) *cis*-4-methylaminorex.

8. *Order Forms.* All registrants involved in the distribution of (±) *cis*-4-methylaminorex must comply with the order form requirements of §§ 1305.01-1305.16 of Title 21 of the Code of Federal Regulations.

9. *Importation and Exportation.* All importation and exportation of (±) *cis*-4-methylaminorex shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* Any activity with respect to (±) *cis*-4-methylaminorex not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the scheduling of (±) *cis*-4-methylaminorex will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). This drug control action relates to the control of a substance that has no legitimate use or manufacturer in the United States. In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193). This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator of DEA by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator

hereby orders that 21 CFR Part 1308 be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

§ 1308.11 [Amended]

2. Paragraph (f) of § 1308.11 is amended by redesignating the existing paragraph (f)(2) as (f)(3) and adding a new paragraph (f)(2):

§ 1308.11 Schedule I.

(f) * * *

(2) (±) *cis*-4-methylaminorex
[(±) *cis*-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline].....1590

3. Paragraph (g) of § 1308.11 is amended by removing paragraph (g)(3) and redesignating existing paragraph (g)(4) as (g)(3).

Date: April 10, 1989.

John C. Lawn,

Administrator.

[FR Doc. 89-8756 Filed 4-12-89; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6717

[WY-930-09-4214-10; WYW 101818]

Withdrawal of Public Land and Mineral Estate for the Spanish Point Cave System; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 11,415.86 acres of public land and mineral estate from surface entry and mining for a period of 15 years for the Bureau of Land Management to protect the Spanish Point Caves and associated subsurface karstic waterways. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307-772-2072.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands and mineral estate are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, to protect the Spanish Point Caves and associated subsurface karstic waterways:

Sixth Principal Meridian

Federal surface and subsurface estates, managed by the Bureau of Land Management:

T. 50 N., R. 88 W.,
Sec. 5, lots 6 and 7.
T. 50 N., R. 89 W.,
Sec. 1, lots 12-20, N½NW¼SW¼;
Sec. 2, lots 17-20, N½S½;
Sec. 3, lots 8, 9, 19, 20, SE¼;
Sec. 4, lots 5, 6, 11-14, 19, and 20.
T. 51 N., R. 88 W.,
Sec. 4, SW¼NW¼, W½SW¼;
Sec. 5, lots 6-10, SW¼NE¼, S½SE¼NE¼, SE¼;
Sec. 8, lot 1, NW¼NE¼;
Sec. 28, W½SW¼;
Sec. 32, lots 2-4, NE¼, N½SE¼, SW¼ SE¼;
Sec. 33, W½NW¼.
T. 51 N., R. 89 W.,
Sec. 1, lot 11;
Sec. 11, E½E½;
Sec. 12, lots 1-4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 13, lots 1-3, N½NW¼.
Sec. 14, lots 1 and 2, NE¼, S½NW¼, NE¼ SW¼; S½SW¼, W½SE¼;
Sec. 22, E½E½;
Sec. 23, W½;
Sec. 26, W½NW¼;
Sec. 27, E½;
Sec. 33, E½SE¼;
Sec. 34, N½, N½NE¼SW¼; W½SW¼.
T. 52 N., R. 88 W.,
Sec. 16, SW¼SW¼;
Sec. 17, E½SE¼SE¼;
Sec. 32, lot 4, SW¼SE¼.
T. 52 N., R. 89 W.,
Sec. 21, S½;
Sec. 22, S½N½, S½;
Sec. 23, SW¼NE¼, SE¼NW¼, N½S½, SW¼SW¼.

The areas described aggregate 6,439.30 acres in Big Horn County.

Federal surface and subsurface estates, managed by the U.S. Forest Service, Bighorn National Forest:

T. 51 N., R. 88 W.,
Sec. 4, lots 5-7, S½NE¼, SE¼NW¼, E½ SW¼, SE¼;
Sec. 9, NE¼, E½NW¼, N½NE¼SW¼, N½NW¼SE¼;
Sec. 28, E½, E½W½;
Sec. 33, E½, E½W½.
T. 52 N., R. 88 W.,
Sec. 15, W½ Unsurveyed;
Sec. 16, E½, E½W½;
Sec. 21, NE¼, E½NW¼, N½NE¼SW¼, N½SE¼;
Sec. 22, NW¼, N½SW¼ Unsurveyed;
Sec. 33, SE¼SW¼, S½SE¼.

The areas described aggregate 3,220.04 acres in Big Horn County.

Private surface with Federal mineral estate managed by the Bureau of Land Management:

T. 51 N., R. 89 W.,

Sec. 1, lot 10, SW¼;

Sec. 12, NW¼NE¼, N½NW¼.

T. 52 N., R. 88 W.,

Sec. 20, lots 1-3, NE¼, NW¼NW¼SE¼;

Sec. 21, W½NW¼.

T. 52 N., R. 89 W.,

Sec. 14, NE¼NE¼SW¼, W½NE¼SW¼,

W½SW¼, NW¼SE¼SW¼;

Sec. 15, SE¼NE¼SE¼, NE¼SW¼SE¼,

S½SW¼SE¼, SE¼SE¼;

Sec. 22, N½NE¼, NE¼NW¼;

Sec. 23, E½NE¼, SE¼NW¼NE¼, W½

NW¼, SE¼SW¼, S½SE¼;

Sec. 24, lots 2-4, S½SW¼NE¼, W½

NW¼, SW¼, W½SE¼;

Sec. 25, N½NW¼NW¼;

Sec. 26, NE¼NE¼NE¼.

The areas described contain 1,756.52 acres in Big Horn County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 15 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

April 5, 1989.

Earl Gjelle,

Under Secretary of the Interior.

[FR Doc. 89-8770 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-22-M

43 CFR Public Land Order 6718

[OR-943-09-4214-10; GP9-045; OR-19014, OR-19114]

Partial Revocation of the Executive Order Dated December 12, 1917, and the Secretarial Order Dated December 12, 1917; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes one Executive order and one Secretarial order insofar as they affect 0.73 acre of land withdrawn for the Bureau of Land Management's Waterpower Designation No. 14 and Powersite Reserve No. 660. The revocation is needed to permit disposal of the land through public sale. The land will be opened to surface entry and remains open to mining, except as closed by a segregation of record. The

land has been and remains open to mineral leasing.

EFFECTIVE DATE: May 15, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order dated December 12, 1917, which created Powersite Reserve No. 660, and the Secretarial Order dated December 12, 1917, which created Waterpower Designation No. 14, are hereby revoked insofar as they affect the following described land:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 2 S., R. 6 E.,

Sec. 23, lot 2.

The area described contains 0.73 acre in Clackamas County.

2. At 8:30 a.m., on May 15, 1989, the land described above will be opened to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant land, subject to valid existing rights, the provisions of existing withdrawals, any segregations of record, and the requirements of applicable law.

April 5, 1989.

Earl Gjelle,

Under Secretary of the Interior.

[FR Doc. 89-8769 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6719

[OR-943-09-4214-11; GP9-068; OR-19018, OR-19173]

Partial Revocation of the Secretarial Orders Dated April 11, 1942, and April 13, 1942; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two Secretarial orders insofar as they affect 0.62 acre of public land withdrawn for the Bureau of Land Management's Powersite Classification No. 330 and Water Power Designation No. 18. The revocation is needed to permit disposal of the land through public sale. The land will be opened to surface entry and remains open to mining, except as closed by a segregation of record. The

land has been and remains open to mineral leasing.

EFFECTIVE DATE: May 15, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated April 11, 1942, which established Powersite Classification No. 330, and the Secretarial Order dated April 13, 1942, which established Water Power Designation No. 18, are hereby revoked insofar as they affect the following described land:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 34 S., R. 3 W.,

Sec. 25, lot 2.

The area described contains 0.62 acre of land in Jackson County.

2. At 8:30 a.m., on May 15, 1989, the land described above will be open to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant land, subject to valid existing rights, the provisions of existing withdrawals, any segregation of record, and the requirements of applicable law.

April 5, 1989.

Earl Gjelle,

Under Secretary of the Interior.

[FR Doc. 89-8768 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6720

[OR-943-09-4214-10; GP9-082; OR-19854 (WASH)]

Partial Revocation of the Secretarial Order Dated June 22, 1944; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order insofar as it affects 3.75 acres of land withdrawn for the Bureau of Land Management's Powersite Classification No. 349. The revocation is needed to permit disposal of the land through public sale. The land will be opened to surface entry and remains open to mining, except as closed by a segregation of record. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: May 15, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated June 22, 1944, is hereby revoked insofar as it affects the following described land:

Willamette Meridian

T. 27 N., R. 23 E.,

Sec. 9, lot 10 (formerly part of lot 4).

The area described contains 3.75 acres in Chelan County.

2. At 8:30 a.m., on May 15, 1989, the land will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, any segregations of record, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 15, 1989, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

April 5, 1989.

Earl Gjelde,

Under Secretary of the Interior.

[FR Doc. 89-8771 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6721

[OR-943-09-4214-10; GP9-043; OR-19657 (WASH)]

Partial Revocation of the Secretarial Order Dated May 13, 1929; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order insofar as it affects 160 acres of land withdrawn for the Bureau of Land Management's Powersite Classification No. 224 within the Wenatchee National Forest. This action will open the land to surface entry. The land has been and remains open to mineral leasing and is temporarily closed to mining by a Forest Service exchange proposal.

EFFECTIVE DATE: May 15, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (503) 231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and

Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order dated May 13, 1929, is hereby revoked insofar as it affects the following described land:

Willamette Meridian

T. 24 N., R. 17 E.,

Sec. 28, SE¼.

The area described contains 160 acres in Chelan County.

2. At 8:30 a.m., on May 15, 1989, the land described above will be open to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, any segregations of record, and the requirements of applicable law.

April 5, 1989.

Earl Gjelde,

Under Secretary of the Interior.

[FR Doc. 89-8772 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6722

[OR-943-09-4214-10; GP9-133; OR-19238]

Partial Revocation of Public Land Order No. 604; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 19.56 acres of land withdrawn for the U.S. Army Corps of Engineers Detroit Dam and Reservoir Project within the Willamette National Forest. The revocation is needed to permit disposal of the land through land exchange. This action will open the land to surface entry and mineral leasing. The land is temporarily closed to mining by a Forest Service exchange proposal.

EFFECTIVE DATE: May 15, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 604 is hereby revoked insofar as it affects the following described land:

Willamette Meridian

T. 10 S., R. 5 E.,

Sec. 1, that portion of lot 4 lying easterly of the easterly right-of-way line of Breitenbush Road (Forest Service Road No. 46).

The area described contains approximately 19.56 acres in Marion County.

2. At 8:30 a.m., on May 15, 1989, the land will be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, any segregations of record, and the requirements of applicable law.

3. At 8:30 a.m., on May 15, 1989, the land will be opened to applications and offers under the mineral leasing laws.

April 5, 1989.

Earl Gjelde,

Under Secretary of the Interior.

[FR Doc. 89-8767 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-33-M

43 CFR Public Land Order 6723

[OR-943-09-4214-10; GP9-146; ORE-03588A]

Modification of Public Land Order No. 1867; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order modifies the land description in Public Land Order No. 1867 to conform to the official protraction diagrams of the rectangular system of survey as to portions of the Crater Lake Park Highway Zone.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1867 dated May 28, 1959, is hereby modified to redescribe a portion of the unsurveyed lands to conform to the official protraction diagrams of the rectangular system of survey, approved on August 23, 1966. The following described lands are affected:

Willamette Meridian

Winema National Forest (formerly part of the Rogue River National Forest)

Crater Lake Park Highway Zone

T. 29 S., R. 5½ E., unsurveyed (formerly described as T. 29 S., R. 6 E.)

Sec. 1, S½N½;

Sec. 2, SE¼NE¼.

T. 29 S., R. 6 E., unsurveyed (formerly described as T. 29 S., R. 7½ E.)

Sec. 1, N¼S½;

- Sec. 2, S½N½ and N½S½;
 Sec. 3, S½N½ and N½S½;
 Sec. 4, S½N½ and N½S½;
 Sec. 5, S½N½;
 Sec. 6, S½N½.

The areas described aggregate approximately 1,640 acres in Klamath County.

2. The lands described in paragraph 1 have been and continue to be withdrawn from appropriation under the public land laws, including the United States mining laws (30 U.S.C. Ch. 2).

April 5, 1989.

Earl Gjelde,

Under Secretary of the Interior.

[FR Doc. 89-8766 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-33-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472; (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster

Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood Plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E. O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
ALABAMA	
Dale County (unincorporated areas) (FEMA Docket No. 6938)	
<i>Cowpen Creek:</i>	
At mouth.....	*167
About 2100 feet upstream of Headless Horseman Road.....	*204
<i>Claybank Creek:</i>	
Just upstream of U.S. Highway 84.....	*141
About 1200 feet upstream of the confluence of Cowpen Creek.....	*167
<i>Choctawhatchee River:</i>	
Just upstream of U.S. Highway 84.....	*141
About 1700 feet upstream of confluence of Hurricane Creek.....	*174
Level Plains (town), Dale County (FEMA Docket No. 6938)	
<i>Claybank Creek:</i> Within the community.....	*165
<i>Cowpen Creek:</i>	
Just downstream of Gerald Road.....	*169
About 1.1 miles upstream of Gerald Road.....	*186
Maps available for inspection at the Town Hall, Level Plains, Alabama.	
Lisman (city), Choctaw County (FEMA Docket No. 6938)	
<i>Bogue Chitto River:</i>	
About 600 feet downstream of State Highway 10.....	*138
About 800 feet upstream of Burlington Northern railroad.....	*147
Maps available for inspection at the City Hall, Lisman, Alabama.	
Moody (town), St. Clair County (FEMA Docket No. 6938)	
<i>Little Cahaba River:</i>	
About 0.9 mile upstream of Interstate 20.....	*648
About 0.9 mile upstream of County Road 10.....	*682
Maps available for inspection at the City Hall, Leeds, Alabama.	
Pell City (city), St. Clair County (FEMA Docket No. 6938)	
<i>Coosa River:</i>	
About 0.6 mile downstream of confluence of Blue Spring Branch.....	*476
At confluence of Fishing Creek.....	*477
<i>Blue Spring Branch:</i>	
At mouth.....	*476
About 1900 feet upstream of 19th Street.....	*506
<i>Dunlap Spring Branch:</i>	
At mouth.....	*499
About 0.7 mile upstream of Wolf Creek Road.....	*517
<i>Dye Creek:</i>	
About 0.4 mile downstream of Farm Road.....	*496
About 0.7 mile upstream of Norfolk Southern Railway.....	*538
<i>Fishing Creek:</i> Within community.....	*477
<i>West Branch Fishing Creek:</i>	
Just upstream of Pleasant Valley Road.....	*523
Just downstream of Comer Road.....	*541
<i>Wolf Creek:</i>	
About 1600 feet downstream of confluence of Dunlap Spring Branch.....	*493
About 400 feet upstream of confluence of Dunlap Spring Branch.....	*499
Maps available for inspection at the City Hall, 1905 1st Avenue, North, Pell City, Alabama.	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
ARIZONA					
Tucson (city), Pima County (FEMA Docket No. 6941)		Cedar Swamp Creek:		About 0.69 mile above mouth	*22
<i>Pantano Wash:</i>		At mouth	*9	<i>Pablo Creek:</i>	
Just downstream of the city corporate limits		Just downstream of Beech Boulevard	*32	About 1.4 miles downstream of Box Branch	*5
located approximately 1,100 feet downstream		<i>Big Davis Creek:</i>		At confluence with Sawmill Slough	*19
of Tanque Verde Road		At mouth	*6	<i>Sawmill Slough:</i>	
At Speedway Boulevard	*2,491	About 1.2 miles upstream of U.S. Route 1	*19	At confluence of Mill Dam Branch	*19
Approximately 100 feet upstream of East 22nd	*2,537	<i>Dunn Creek:</i>		Just downstream of Central Parkway	*35
Street		At mouth	*6	<i>Sawmill Slough Divergence Channel:</i>	
Approximately 100 feet upstream of Golf Links	*2,613	Just upstream of Bernard Road	*22	At confluence with Sawmill Slough	*22
Road		<i>Dunn Creek Tributary 1:</i>		At divergence from Sawmill Slough	*29
Just downstream of Harrison Road	*2,665	At mouth	*6	<i>Pottsbury Creek:</i>	
At an unnamed road located approximately	*2,725	Just upstream of Starrat Road	*19	Just downstream of Atlantic Boulevard	*5
3,700 feet upstream of Houghton Road extended		<i>Dunn Creek Tributary 2:</i>		Just downstream of Baymeadows Road	*18
<i>Agua Caliente Wash:</i>		At mouth	*13	<i>Sherman Creek:</i>	
At Jones Road	*2,566	About 0.3 mile upstream of Webb Road	*23	Just upstream of Wonderwood Road	*7
At the intersection of Tanque Verde Road and		<i>Ginhouse Creek:</i>		About 0.8 mile upstream of C Street	*8
Houghton Road extended	*2,591	At mouth	*6	<i>Sherman Creek Canal:</i>	
Maps are available for review at the City Hall		Just upstream of Lawson Road	*36	At mouth	*7
Annex, Third Floor, Tucson, Arizona.		<i>Cedar River:</i>		About 1.5 miles upstream of State Road A1A	*9
CALIFORNIA		At mouth	*6	<i>Sixmile Creek:</i>	
Wasco (city), Kern County (FEMA Docket No. 6938)		Just upstream of Picketville Road	*22	At mouth	*9
<i>Shallow Flooding:</i>		<i>Trout River:</i>		About 0.5 mile upstream of Lazy J Drive	*61
Southeast of the intersection of Highway 46		At mouth	*6	<i>North Fork Sixmile Creek:</i>	
and Atchison, Topeka and Santa Fe Railway		Just downstream of Norfolk Southern Railway	*19	At mouth	*21
Maps are available for inspection at City Hall,		<i>Thomas Creek:</i>		Just upstream of Fish Road West	*67
Office of the Planning Director, Wasco, California 93280.		Just upstream of confluence of Seaton Creek	*5	<i>Strawberry Creek:</i>	
COLORADO		Just downstream of Acree Road	*21	At mouth	*5
Edgewater (town), Jefferson County (FEMA Docket No. 6941)		<i>Ribault River:</i>		Just upstream of Merrill Road	*38
<i>Upper Sloans Lake Basin Drainageway:</i>		Just upstream of Lem Turner Road	*6	<i>Sweetwater Creek:</i>	
Approximately 1,515 feet downstream of the		Just upstream of Picketville Road	*9	At mouth	*8
intersection of West 20th Avenue and Ingalls		<i>Ortega River:</i>		Just upstream of Plumwood Drive	*24
Street	*5,333	At mouth	*6	<i>Tiger Pond Creek:</i>	
Approximately 80 feet downstream of the inter-		At confluence of Airport Tributary	*49	At mouth	*7
section of West 20th Avenue and Jay Street	*5,351	<i>Cedar Creek:</i>		About 1.15 miles above mouth	*19
Approximately 50 feet downstream of West		Just upstream of Main Street	*6	<i>Tiger Hole Swamp:</i>	
20th Avenue and Pierce Street	*5,384	Just upstream of Interstate 295	*10	At mouth	*14
Approximately 650 feet upstream of Pierce		<i>Durbin Creek:</i>		About 0.75 mile above mouth	*20
Street	*5,409	At mouth	*4	<i>Box Branch:</i>	
Maps are available for review at the City		About 5.9 miles upstream of mouth	*11	At mouth	*5
Clerks' Office, City Hall, 5845 West 25th		<i>Goodbys Creek Tributary 1:</i>		About 1.88 miles above mouth	*11
Avenue, Edgewater, Colorado.		At mouth	*5	<i>Caney Branch:</i>	
Oak Creek (town), Routt County (FEMA Docket No. 6938)		Just downstream of Sunbeam Road	*23	At mouth	*6
<i>Oak Creek:</i>		<i>Goodbys Creek Tributary 2:</i>		About 1.4 miles upstream of New Berlin Road	*20
Approximately 1,090 feet downstream of Bell		At mouth	*5	<i>Cormorant Branch:</i>	
Avenue	*7,398	Just upstream of Craven Road	*18	At mouth	*4
Approximately 40 feet upstream of Bell Avenue	*7,404	<i>Goodbys Creek Tributary 3:</i>		Just upstream of Loretto Road	*15
At Lincoln Avenue	*7,415	At mouth	*5	<i>Mill Dam Branch:</i>	
Approximately 2,190 feet upstream of Lincoln		Just upstream of Old Kings Road	*15	At mouth	*19
Avenue	*7,431	<i>Jones Creek:</i>		About 1.12 miles upstream of Beach Boulevard	*43
Maps are available for review at the Office of		At mouth	*6	<i>Mill Dam Canal:</i>	
the Town Clerk, Town of Oak Creek, 131 East		About 1850 feet upstream of Byrnes Road	*39	At mouth	*29
Main Street, Oak Creek, Colorado.		<i>Jones Creek Tributary:</i>		About 700 feet upstream of J. Turner Butler	*34
Sedgwick (city), Sedgwick County (FEMA Docket No. 6941)		At mouth	*19	Boulevard	
<i>South Platte River:</i>		Just upstream of Brookview Drive	*38	<i>Redbay Branch:</i>	
Approximately 800 feet upstream of State High-		<i>Greenfield Creek:</i>		At mouth	*5
way 59	*3,581	About 3.2 miles downstream of Atlantic Boule-	*7	About 0.68 mile upstream of Lone Star Road	*23
Approximately 3,600 feet upstream of State		vard		<i>Rushing Branch:</i>	
Highway 59	*3,585	About 0.5 mile upstream of Atlantic Boulevard	*14	At mouth	*6
Maps are available for review at the City Of-		<i>Julington Creek:</i>		About 1.07 miles upstream of Caney Branch	*8
fices, City Hall, 22 McKinstry Avenue, Sedgwick,		At mouth	*4	<i>Second Puncheon Branch:</i>	
Colorado.		Just downstream of Phillips Highway	*16	At mouth	*19
FLORIDA		<i>McCoys Creek:</i>		Just downstream of Anders Boulevard	*46
Jacksonville (city), Duval County (FEMA Docket No. 6938)		At mouth	*6	<i>Wills Branch:</i>	
<i>Little Cedar Creek:</i>		Just upstream of Commonwealth Avenue	*21	At mouth	*6
At mouth	*6	<i>North Branch McCoy's Creek:</i>		Just downstream of Normandy Boulevard	*20
Just downstream of South Access Road	*20	At mouth	*17	<i>Nassau River:</i>	
		Just upstream of Live Oak Avenue	*19	Along south bank just west of CSX railroad	
		<i>Southwest Branch McCoy's Creek:</i>		crossing	*5
		At mouth	*12	East of intersection of Croaker Road and Shell-	
		Just upstream of McDuff Avenue	*18	cracker Road	*14
		<i>Mt. Pleasant Creek:</i>		<i>Atlantic Ocean/Intracoastal Waterway:</i>	
		Just downstream of Mt. Pleasant Road	*7	About 1,000 feet east of intersection of Blue	
		About 1.0 mile upstream of confluence of Tiger	*19	Water Drive and Eunice Road	*5
		Pond Creek		About 800 feet east of intersection of Seminole	
		<i>Oldfield Creek:</i>		Beach Road and 20th Street	*21
		At mouth	*4	<i>St. Johns River:</i>	
		Just upstream of Old St. Augustine Road	*29	At confluence of Goodbys Creek	*5
		<i>Oldfield Creek Tributary:</i>		About 300 feet south of corner of Ranger	
		At mouth	*11	Street and Bluff Road	*9
		About 0.3 mile upstream of Greenland Road	*21	<i>McGills Creek:</i>	
		<i>Open Creek:</i>		At confluence of Airport Tributary	*49
		Just downstream of San Pablo Road	*5	Just downstream of Old Plank Road	*71
		Just downstream of Beach Boulevard	*25	<i>Hogpen/Bayou Sandalwood Canal:</i>	
		<i>Open Creek Tributary 1:</i>		Just upstream of San Pablo Road	*8
		At mouth	*7	About 450 feet upstream of Old Atlantic Boule-	
		About 0.78 mile above mouth	*11	vard	*32
		<i>Open Creek Tributary 2:</i>		<i>Hogans Creek:</i>	
		At mouth	*11	At mouth	*5

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Just upstream of Alternate U.S. Route 1.....	*8	Just downstream of Autry Road.....	*733	About 900 feet upstream of Pennsylvania Avenue.....	*2,247
Maps available for inspection at the City Hall, 220 East Bay Street, Room 100, Jacksonville, Florida.		West Fork Parker Branch: At mouth.....	*713	Maps available for inspection at the City Hall, 109 South Iowa, Ness City, Kansas.	
GEORGIA		Just downstream of Autry Road.....	*728	MASSACHUSETTS	
Cumming (city), Forsyth County (FEMA Docket No. 6938)		Oconee River: About 5.8 miles downstream of confluence of Wildcat Creek.....	*459	Chesterfield (town), Hampshire County (FEMA Docket No. 6941)	
Kelley Mill Branch: About 2,600 feet downstream of Hickory Knoll Road.....	*1,099	Just downstream of Barnett Shoals Dam.....	*483	Westfield River: At downstream corporate limits.....	*610
Just downstream of Hickory Knoll Road.....	*1,115	Just upstream of Barnett Shoals Dam.....	*517	Approximately 0.53 miles upstream of confluence of Jewel Brook.....	*897
Just upstream of Hickory Knoll Road.....	*1,121	At confluence of North Oconee River.....	*541	Maps available for inspection at the Town Selectmen's Office, Town Office Building, Chesterfield, Massachusetts.	
About 1,750 feet upstream of Hickory Knoll Road.....	*1,128	Middle Oconee River: At confluence of North Oconee River.....	*541	MICHIGAN	
Maps available for inspection at the City Administrator's Office, City Hall, 301 Old Beauford Road, Cumming, Georgia.		At confluence of McNutt Creek.....	*558	Northport (village), Leelanau County (FEMA Docket No. 6941)	
Forsyth County (unincorporated areas) (FEMA Docket No. 6938)		Shoal Creek: At mouth.....	*480	Northport Creek: At mouth.....	*584
Big Creek: Just upstream of McGinnis Ferry Road.....	*999	Just downstream of Barnett Shoals Road.....	*539	Just downstream of Pond Street.....	*593
At confluence of Sawmill Branch.....	*1,063	Maps available for inspection at the Oconee County Code Enforcement Department, County Courthouse, Watkinsville, Georgia.		Just upstream of Pond Street.....	*598
Kelley Mill Branch: At confluence with Big Creek.....	*1,063	IDAHO		Just downstream of Third Street.....	*598
About 2,600 feet downstream of Hickory Knoll Road.....	*1,099	Glenns Ferry (city), Elmore County (FEMA Docket No. 6941)		Just upstream of Third Street.....	*612
Chestnut Creek: At mouth.....	*1,026	Little Canyon Creek: Approximately 2,600 feet downstream of Boise Street.....	*2,534	About 500 feet upstream of Third Street.....	*612
Just downstream of Kelley Mill Road.....	*1,051	Approximately 225 feet downstream of Boise Street.....	*2,543	Northport Bay: Along shoreline.....	*584
Bentley Creek: At mouth.....	*1,023	Approximately 100 feet downstream of the Union Pacific Railroad Bridge.....	*2,552	Maps available for inspection at the Village Hall, 118 West Nagomaba, Northport, Michigan.	
Just downstream of Bentley Road.....	*1,035	Approximately 175 feet upstream of First Avenue.....	*2,560	Scio (township), Washtenaw County (FEMA Docket No. 6941)	
James Creek: At mouth.....	*918	Approximately 1,200 feet upstream of U.S. Highways 20 & 30.....	*2,562	Honey Creek: At mouth.....	*801
Just downstream of James Road.....	*918	Maps are available for review at City Hall, 204 E. Second Avenue, Glenns Ferry, Idaho.		About 0.85 mile upstream of Liberty Road.....	*903
Just upstream of James Road.....	*930	NEZPERCE (city), Lewis County (FEMA Docket No. 6941)		Honey Creek Tributary 1: At mouth.....	*852
Just downstream of Old Atlanta Road.....	*1,038	Long Hollow Creek: Approximately 1,180 feet downstream of 4th Avenue.....	*3,199	About 550 feet upstream of Jackson Road.....	*867
Just upstream of Old Atlanta Road.....	*1,048	At Fifth Avenue.....	*3,203	Honey Creek Tributary 2: At mouth.....	*862
Just downstream of Brannon Road.....	*1,142	Approximately 250 feet upstream of Maple Street.....	*3,208	About 200 feet downstream of Private Drive.....	*876
Daves Creek: At mouth.....	*948	Maps are available for review at City Hall, 502 Fifth Street, Nezperce, Idaho.		Honey Creek Tributary 3: At mouth.....	*886
Just downstream of Trammel Road.....	*1,031	ILLINOIS		About 2170 feet upstream of Honey Run Drive.....	*890
Just upstream of Trammel Road.....	*1,036	Sainte Marie (village), Jasper County (FEMA Docket No. 6941)		Maps available for inspection at the Township Hall, 827 North Zeeb, Ann Arbor, Michigan.	
Just downstream of Daves Creek Road.....	*1,037	Embarras River: About 2.0 miles downstream of County Route 9.....	*471	MISSISSIPPI	
Just upstream of Daves Creek Road.....	*1,044	About 1,300 feet upstream of County Route 9.....	*474	Bolivar County (unincorporated areas) (FEMA Docket No. 6926)	
About 1 mile upstream of Daves Creek Road.....	*1,073	Maps available for inspection at the Post Office, Sainte Marie, Illinois.		Mississippi River: About 2.8 miles downstream of southern county boundary.....	*145
Dick Creek: About 1500 feet above mouth.....	*913	KANSAS		At northern county boundary.....	*174
Just downstream of Mathis Airport Road.....	*1,048	Bazine (city), Ness County (FEMA Docket No. 6938)		Lead Bayou: At county boundary.....	*132
Camp Creek Tributary: Just upstream of McGinnis Ferry Road.....	*1,008	Walnut Creek: About 3000 feet downstream of Burgess Avenue.....	*2,128	At confluence of West Main Canal.....	*133
Just downstream of McGinnis Ferry Road.....	*1,061	At confluence of Bazine Dry Creek.....	*2,132	West Main Canal: At mouth.....	*133
Maps available for inspection at the County Administrator's Office, County Courthouse, Cumming, Georgia.		Bazine Dry Creek: At mouth.....	*2,132	About 1,800 feet upstream of U.S. Highway 81.....	*139
Oconee County (unincorporated areas) (FEMA Docket No. 6938)		About 1600 feet upstream of Austin Street.....	*2,133	Porter Bayou: At eastern county boundary.....	*125
McNutt Creek: At mouth.....	*558	Maps available for inspection at the City Hall, Bazine, Kansas.		Just downstream of County Highway at City of Shaw western corporate limits.....	*128
Just downstream of State Route 732 (near confluence of Barber Creek).....	*571	Ness City (city) Ness County (FEMA Docket No. 6938)		Jones Bayou: Just upstream of Township Road.....	*134
Just upstream of State Route 732 (near confluence of Barber Creek).....	*576	North Fork Walnut Creek: About 400 feet downstream of confluence of Tributary No. 1.....	*2,230	About 1,300 feet upstream of Tower Road.....	*135
About 800 feet downstream of Mars Hill Road.....	*722	Tributary No. 1: At mouth.....	*2,231	Pecan Bayou: About 0.8 mile downstream of Yale Street.....	*134
Barber Creek: At mouth.....	*582	About 2500 feet upstream of confluence of Nevada Street Tributary.....	*2,232	Just downstream of Yale Street.....	*135
About 1.2 miles upstream of Old Hodges Mill Road.....	*681	Nevada Street Tributary: At mouth.....	*2,231	Bear Pen Canal: About 2,700 feet downstream of Sunflower Road.....	*134
Porters Creek: At mouth.....	*526	Maps available for inspection at the County Courthouse, Cleveland, Mississippi.		About 1,400 feet upstream of Rosemary Road.....	*137
Just downstream of McRee Gin Road.....	*636	CLEVELAND (city), Bolivar County (FEMA Docket No. 6926)		West Main Canal: About 1.0 mile downstream of White Street.....	*133
Just upstream of McRee Gin Road.....	*642	Just downstream of Rosemary Road.....			*137
About 0.8 mile upstream of McRee Gin Road.....	*668				
Lampkin Branch: About 1,250 feet above mouth.....	*642				
Just downstream of Mars Hill Road.....	*718				
Calis Creek: At mouth.....	*550				
About 1.4 miles upstream of State Route 53.....	*684				
Parker Branch: At mouth.....	*639				

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)				
Maps available for inspection at the City Hall, Cleveland, Mississippi.									
MISSOURI									
Florissant (city), St. Louis County (FEMA Docket No. 8938)									
<i>Paddock Creek:</i>		Approximately 30 feet downstream of County Route 301 culvert.....	*428	OKLAHOMA					
About 1,500 feet downstream of Lindberg Bou- levard.....	*504	At upstream side of Biers Road culvert.....	*457	Pocola (town), LeFlore County (FEMA Docket No. 8938)					
Just downstream of Parker Road.....	*526	Approximately 0.5 mile upstream of Biers Road culvert.....	*490	<i>Cedar Creek:</i>					
<i>Daniel Boone Creek:</i>		Approximately 1.0 mile upstream of Biers Road culvert.....	*531	At confluence with Poteau River.....	*421				
At mouth.....	*508	<i>Hannacrois Creek:</i>		At upstream corporate limits.....	*445				
Just downstream of Loveland Drive.....	*520	At downstream corporate limits.....	*308	<i>Cedar Creek Tributary One:</i>					
Just upstream of Loveland Drive.....	*525	Approximately 100 feet upstream of the first crossing of State Route 143.....	*326	At confluence with Cedar Creek.....	*421				
Just downstream of Shackelford Road.....	*541	At upstream side of County Route 106.....	*354	At Pryor Avenue.....	*430				
<i>Fountain Creek:</i>		At upstream side of second crossing of State Route 143.....	*396	<i>Cedar Creek Tributary Two:</i>					
At mouth.....	*511	Approximately 1.1 miles upstream of upstream State Route 143 crossing.....	*450	At confluence with Cedar Creek.....	*421				
Just downstream of Dunn Road.....	*545	At upstream side of first crossing of County Route 111.....	*504	At Gray Street.....	*459				
<i>Anthony Creek:</i>		At upstream side of second crossing of County Route 111.....	*549	<i>Cedar Creek Tributary Three:</i>					
At mouth.....	*526	Approximately 990 feet downstream of third crossing of County Route 111.....	*570	At confluence with Cedar Creek.....	*426				
About 500 feet upstream of St. Edwards Lane.....	*548	At Alcove Reservoir Dam.....	*621	At upstream corporate limits.....	*460				
<i>Coldwater Creek:</i>		<i>Hudson River:</i>		<i>Wells Creek:</i>					
About 0.5 mile downstream of Lindberg Boule- vard.....	*491	At downstream corporate limits.....	*16	At confluence with Poteau River.....	*422				
About 0.7 mile upstream of Charbonier Road.....	*514	At upstream corporate limits.....	*18	At upstream corporate limits.....	*485				
<i>Lawview Creek:</i>		Maps available for inspection at the Supervi- sor's Office, Russell Street, Ravens, New York.							
At mouth.....	*502	Westerlo (town), Albany County (FEMA Docket No. 8941)							
About 1,450 feet upstream of Patterson Road Bridge.....	*511	<i>Basic Creek:</i>		<i>Stringtown (town), Atoka County (FEMA Docket No. 8938)</i>					
Maps available for inspection at the City Hall, 955 Rue St. Francois, Florissant, Missouri.									
Lee's Summit (city), Jackson and Cass Counties (FEMA Docket No. 8941)									
<i>Little Blue River:</i>		At corporate limits.....	*767	<i>North Boggy Creek Tributary:</i>					
About 1.22 miles downstream of confluence of May Brook.....	*766	At upstream side of County Route 1.....	*1,145	Approximately 1.6 miles above confluence with North Boggy Creek.....	*568				
Just upstream of View High Drive.....	*807	Approximately 330 feet downstream of State Route 85.....	*1,358	Approximately 450 feet upstream of Mt. Blanc Avenue.....	*625				
<i>East Fork Little Blue River:</i>		<i>Eightmile Creek:</i>		Maps available for inspection at 105 Pecan Avenue, Stringtown, Oklahoma.					
Just downstream of U.S. Highway 40.....	*769	At corporate limits.....	*961	OREGON					
Just downstream of Blue Springs Lake Dam.....	*769	At upstream side of First County Route 402 crossing.....	*1,184	Crook County (unincorporated areas) (FEMA Docket No. 8938)					
<i>May Brook:</i>		Approximately 1,730 feet upstream of the third County Route 402 crossing.....	*1,267	<i>Crooked River:</i>					
At mouth.....	*770	<i>Hannacrois Creek:</i>		Approximately 1,800 feet downstream of the confluence with Ochoco Creek.....	*2,829				
About 1,900 feet downstream of May Brook Road.....	*784	At downstream corporate limits.....	*627	Approximately 1,000 feet downstream of Ochoco Highway 41.....	*2,848				
<i>Tributary L2:</i>		At upstream side of Tan Hollow Road.....	*810	Approximately 325 feet upstream of Ochoco Highway 41.....	*2,850				
Just upstream of Gregory Boulevard.....	*873	At upstream corporate limits.....	*886	Approximately 1,300 feet upstream of the con- fluence with the Juniper Canyon Constructed Channel.....	*2,862				
About 1,400 feet upstream of Beechwood Drive.....	*890	Maps available for inspection at the Town Hall, Westerlo, New York.							
<i>Cedar Creek:</i>		NORTH CAROLINA							
At mouth.....	*805	Duplin County (unincorporated areas) (FEMA Docket No. 8938)							
About 1,300 feet downstream of Sunset Drive.....	*883	<i>Little Rockfish Creek:</i>		<i>Ochoco Creek:</i>					
<i>Tributary C2:</i>		Just upstream of State Road 11.....	*28	At the confluence with Crooked River.....	*2,831				
Just upstream of 3rd Street.....	*936	Just downstream of State Road 41.....	*42	Approximately 350 feet downstream of Harwood Street.....	*2,852				
Just upstream of U.S. Highway 50.....	*950	<i>Rockfish Creek:</i>		At Combeflet Road.....	*2,884				
<i>Longview Lake:</i> Within community.....	*907	Just upstream of SR 1152.....	*30	Approximately 90 feet downstream of the con- fluence with Johnson Creek.....	*2,923				
<i>Blue Springs Lake:</i> Within community.....	*819	At confluence of Rockfish Creek Tributary.....	*35	Approximately 50 feet upstream of Wayland Road.....	*3,001				
Maps available for inspection, at the City Hall, 207 SW. Market, Lee's Summit, Missouri.									
MONTANA									
Hamilton (city), Ravalli County (FEMA Docket No. 8941)									
<i>Bitterroot River:</i>		<i>Rockfish Creek Tributary:</i> Within community.....	*35	Maps are available for review at the Crook County Courthouse, 300 East Third, Prineville, Oregon.					
Just upstream of U.S. Route 93.....	*3,514	<i>Doctors Creek:</i>		Jefferson County (unincorporated areas) (FEMA Docket No. 8941)					
Approximately 4,950 feet downstream of West Bridge Road.....	*3,531	About 1.9 miles upstream of mouth.....	*42	<i>Willow Creek:</i>					
At the Cornvalus Canal headgate located ap- proximately 1,750 feet downstream of West Bridge Road.....	*3,540	Just downstream of SR 1157.....	*51	Approximately 400 feet upstream of the Burling- ton Northern Railroad.....	*2,229				
Approximately 4,250 feet upstream of West Bridge Road.....	*3,556	Maps available for inspection at the County Courthouse, Kenansville, North Carolina.							
Maps are available for review at the Hamilton City Office, City Hall, 175 South 3rd Street, Hamilton, Montana.									
NEW YORK									
Coeymans (town), Albany County (FEMA Docket No. 894)									
<i>Coeymans Creek:</i>		King (city), Stokes County (FEMA Docket No. 8932)		Approximately 1,200 feet upstream of the Burling- ton Northern Railroad.....	*2,232				
At CONRAIL culvert.....	*79	<i>Crooked Run Creek:</i>		Approximately 1,350 feet upstream of C Street.....	*2,252				
At upstream corporate limits.....	*85	About 1,000 feet downstream of Meadowbrook Drive.....	*901	Approximately 1,900 feet upstream of C Street.....	*2,254				
<i>Fault Spry:</i>		Just downstream of Meadowbrook Drive.....	*904	Approximately 3,000 feet upstream of C Street.....	*2,261				
At downstream corporate limits.....	*406	About 1,100 feet downstream of White Road.....	*969	Approximately 40 feet downstream of McTag- gart Road.....	*2,288				
		Just downstream of White Road.....	*974	Approximately 3,000 feet upstream of McTag- gart Road.....	*2,297				
		Just upstream of White Road.....	*981	<i>Unnamed Stream Through Culver:</i>					
		Just downstream of Meadowbrook Drive.....	*1,003						
		<i>Danbury Creek:</i>							
		Just upstream of confluence of Goff Creek.....	*896						
		Just downstream of North Main Street.....	*971						
		Maps available for inspection at the City Hall, King, North Carolina.							

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 2,000 feet south of the intersection of the Burlington Northern Railroad and Highland Lane (just east of the Railroad Tracks)	#1	Muddy Run: Approximately 1,400 feet downstream of railroad Approximately 500 feet upstream of T-536	*1,366 *1,381	Unnamed Tributary to Shoup Run: At confluence with Shoup Run Approximately 445 feet upstream of State Route 913 culvert	*1,113 *1,142
Maps are available for review at the Jefferson County Courthouse, 657 C Street, Madras, Oregon.		Maps available for inspection at the Municipal Building, Uthsville, Pennsylvania.		Maps available for inspection at the Coalmont Borough Building, Schell Street, Coalmont, Pennsylvania.	
Madras (city), Jefferson County (FEMA Docket No. 6938)		Bell (township), Clearfield County (FEMA Docket No. 6941)		Coalport (borough), Clearfield County (FEMA Docket No. 6938)	
Willow Creek: Approximately 510 feet downstream of Canyon Road	*2,232	West Branch Susquehanna River: Approximately .4 mile downstream of Mahaffey (Borough) corporate limits	*1,262	Clearfield Creek: At downstream corporate limits	*1,382
Approximately 280 feet upstream of the confluence with Willow Creek Side Channel	*2,237	Approximately 1,500 feet upstream of State Highway 322	*1,297	At upstream corporate limits	*1,387
Approximately 11.0 feet upstream of C Street	*2,249	Chest Creek: At confluence with West Branch Susquehanna River	*1,271	Maps available for inspection at the Borough Building, Hill & Main Streets, Coalport, Pennsylvania.	
Approximately 1,550 feet upstream of the divergence of Willow Creek Side Channel	*2,262	Approximately 1,250 feet upstream of T-324	*1,276		
Willow Creek Side Channel: Approximately 440 feet upstream of the convergence with Willow Creek	*2,237	Bear Run: At confluence with West Branch Susquehanna River	*1,290	College (township), Centre County (FEMA Docket No. 6938)	
At 8th Street	*2,247	Approximately 1,140 feet upstream of State Highway 36	*1,322	Spring Creek: At downstream corporate limits	*928
At the divergence from Willow Creek	*2,255			Approximately 100 feet upstream of upstream corporate limits	*1,054
Maps are available for review at City Hall, 416 Sixth Street, Madras, Oregon.		Maps available for inspection at the home of Twila Peterson, Township Secretary, R.D. 1, Mahaffey, Pennsylvania.		Maps available for inspection at the College Township Municipal Building, 1481 East College Avenue, State College, Pennsylvania.	
Prineville (city), Crook County (FEMA Docket No. 6941)		Berwick (borough), Columbia County (FEMA Docket No. 6941)		Curwensville (borough), Clearfield County (FEMA Docket No. 6938)	
Crooked River: Approximately 950 feet downstream of Ochoco Highway 41	*2,848	Susquehanna River: At downstream corporate limits	*493	Anderson Creek: At 1st crossing of CSX Transportation	*1,137
Approximately 325 feet upstream of Ochoco Highway 41	*2,850	At upstream corporate limits	*500	At upstream corporate limits	*1,171
Approximately 5,200 feet upstream of Ochoco Highway 41	*2,856	East Branch Briar Creek: At downstream corporate limits	*510	Maps available for inspection at the Borough Building, 900 Susquehanna Avenue, Curwensville, Pennsylvania.	
Ochoco Creek: Approximately 1,200 feet upstream of Gardner Road	*2,846	At North Warren Street	*531		
On the upstream side of North Elm Street	*2,867	At approximately 0.14 mile upstream from upstream corporate limits	*535	Ferguson (township), Centre County (FEMA Docket No. 6938)	
Just downstream of Combillet Road	*2,884	Glen Brook: At downstream corporate limits	*549	Slab Cabin Run: Approximately 20 feet downstream of State Routes 26 and 45	*1,147
Maps are available for review at City Hall, 400 East Third, Prineville, Oregon.		At approximately 160 feet upstream from upstream corporate limits	*587	Upstream side of Sycamore Street	*1,194
Wheeler County (unincorporated areas) (FEMA Docket No. 6938)		Maps available for inspection at the Municipal Building, 344 Market Street, Berwick, Pennsylvania.		Approximately 40 feet upstream of upstream State Routes 26 and 45	*1,293
Bridge Creek: Approximately 1,400 feet downstream of the downstream crossing of U.S. Highway 26	*2,581	Boggs (township), Centre County (FEMA Docket No. 6938)		Maps available for inspection at the Township Municipal Building, 3147 Research Drive, State College, Pennsylvania.	
Approximately 1,550 feet downstream of the upstream crossing of U.S. Highway 26	*2,650	Bald Eagle Creek: Approximately 360 feet downstream of Interstate Route 80 (west)	*676		
At western corporate limits of the City of Mitchell	*2,710	At upstream corporate limits	*725	Fishing Creek (township), Columbia County (FEMA Docket No. 6938)	
Keyes Creek: Approximately 500 feet upstream of Prairie Road	*2,861	Wallace Run: Approximately 500 feet downstream of CON-RAIL	*723	Fishing Creek: Approximately 500 feet downstream of downstream corporate limits	*607
Approximately 1,500 feet upstream of Prairie Road	*2,895	Upstream side of T-396 (Mayes Road)	*848	At upstream side of L.R. 19067	*662
Maps are available for review at the Wheeler County Courthouse, Fourth and Adams Streets, Fossil, Oregon.		Approximately 500 feet upstream of L.R. 14009	*901	At upstream corporate limits	*723
PENNSYLVANIA		Downstream side of L.R. 14009	*1,101	Huntington Creek: At confluence with Fishing Creek	*625
Apolacon (township), Susquehanna County (FEMA Docket No. 6938)		Approximately 1,500 feet upstream of T-445	*1,129	Approximately 560 feet upstream of Mill Dam	*697
Apalachin Creek: Approximately 380 feet downstream of the downstream corporate limits	*1,066	Maps available for inspection at the Boggs Township Municipal Building, Route 144, Runville, Pennsylvania.		Maps available for inspection at the Township Building, Route 47, Stillwater, Pennsylvania.	
Approximately .96 mile upstream of the upstream corporate limits	*1,116	Burnside (borough), Clearfield County (FEMA Docket No. 6938)		Gramplan (borough), Clearfield County (FEMA Docket No. 6938)	
Cork Hill Creek: At confluence with Apalachin Creek	*1,100	West Branch Susquehanna River: Approximately 300 feet downstream of the downstream corporate limits	*1,312	Kratzer Run Creek: At downstream corporate limits	*1,528
Approximately 0.2 mile upstream of L.R. 57084	*1,149	At upstream corporate limits	*1,333	At upstream corporate limits	*1,536
Maps available for inspection at the Municipal Building, Apolacon, Pennsylvania.		Maps available for inspection at the Borough Secretary's Office, Burnside, Pennsylvania.		Maps available for inspection at the Borough Secretary's residence, P.O. Box 57, Gramplan, Pennsylvania.	
Beccaris (township), Clearfield County (FEMA Docket No. 6938)		Coalmont (borough), Huntingdon County (FEMA Docket No. 6941)		Harrison (township), Bedford County (FEMA Docket No. 6938)	
Clearfield Creek: Approximately 1,500 feet downstream of Ivona corporate limits	*1,368	Shoup Run: Approximately 1,530 feet downstream of State Route 913	*1,065	Raystown Branch Juniata River: Approximately 750 feet downstream of the downstream corporate limits	*1,113
Approximately 500 feet upstream of State Route 3008	*1,389	Approximately 640 feet upstream of confluence with unnamed tributary to Shoup Run	*1,124	Upstream crossing of Interstate Routes 70/76	*1,129
		Coal Bank Run: At confluence with Shoup Run	*1,098	Upstream of State Highway 96	*1,145
		Upstream of Watson Street culvert	*1,118	Upstream of T-418	*1,165
				Approximately 0.37 mile upstream of T-418	*1,170

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Buffalo Run: At the confluence with Raystown Branch Juniata River.....	*1,131	Montgomery Creek: At CSX transportation.....	*1,112	At upstream corporate limits.....	*1,088
Approximately 0.2 mile downstream of Church Street (L.R. 05019).....	*1,304	Approximately 300 feet upstream of T-506.....	*1,167	Maps available for inspection at the Borough Office, Railroad Street Midway, Pennsylvania.	
Upstream of Church Street (L.R. 05019).....	*1,320	West Branch Susquehanna River: At downstream corporate limits of Clearfield Borough.....	*1,097	New Milford (borough), Susquehanna County (FEMA Docket No. 6938)	
Maps available for inspection at the Community Building, Manns Choice, Pennsylvania.		At upstream corporate limits of Clearfield Borough.....	*1,106	Salt Lick Creek: Approximately 600 feet downstream from downstream corporate limits.....	*1,060
Hastings (borough), Cambria County (FEMA Docket No. 6941)		Maps available for inspection at the Township Building, Clearfield, Pennsylvania.		Upstream corporate limits.....	*1,168
Brubaker Run: At downstream corporate limits.....	*1,704	Little Meadows (borough), Susquehanna County (FEMA Docket No. 6938)		Maps available for inspection at the Borough Building, New Milford, Pennsylvania.	
At upstream corporate limits.....	*1,746	Apalachin Creek: Downstream corporate limits.....	*1,012	North Franklin (township), Washington County (FEMA Docket No. 6938)	
Unnamed Tributary to Brubaker Run: At confluence with Brubaker Run.....	*1,712	Upstream corporate limits.....	*1,069	Chartiers Creek: At downstream corporate limits.....	*1,030
Approximately 720 feet upstream of Laurel Drive.....	*1,737	Maps available for inspection at the Community Hall, Little Meadows, Pennsylvania.		At upstream corporate limits.....	*1,047
Maps available for inspection at the Hastings Municipal Building, 5th Avenue, Hastings, Pennsylvania.		Logan (township), Huntingdon County (FEMA Docket No. 6941)		Maps available for inspection at the Township Building, 620 Franklin Farms Road, Washington, Pennsylvania.	
Henderson (township), Huntingdon County (FEMA Docket No. 6941)		Juniata River: At confluence of Shaver Creek.....	*675	Penn (township), Butler County (FEMA Docket No. 6932)	
Juniata River: At downstream corporate limits.....	*599	At confluence of Frankstown Branch Juniata River.....	*679	Connoquenessing Creek: At downstream corporate limits.....	*969
At upstream corporate limits.....	*616	Shaver Creek: From the confluence with the Juniata River upstream for approximately 1 mile (backwater from Juniata River).....	*675	At upstream corporate limits.....	*978
Maps available for inspection at the residence of Ms. Carolynne Wilson, Township Secretary, F.D. 4, Box 367A, Huntingdon, Pennsylvania.		Little Juniata River: At confluence with Frankstown Branch Juniata River and Juniata River.....	*679	Maps available for inspection at the Township Building, 6495 Old Plank Road, Butler, Pennsylvania.	
Hopewell (township), Huntingdon County (FEMA Docket No. 6941)		At upstream corporate limits.....	*702	Penn (township), Clearfield County (FEMA Docket No. 6938)	
Shoup Run: Downstream corporate limits.....	*826	Maps available for inspection at the residence of Mrs. Peggy L. Harman, Township Secretary, R.D. 1, Box 366, Alexandria, Pennsylvania.		Kratzer Run: Approximately 0.5 mile downstream of T.R. 472.....	*1,454
Downstream of State Route 913.....	*881	Londonderry (township), Bedford County (FEMA Docket No. 6938)		Approximately 0.9 mile upstream of T.R. 472.....	*1,526
Upstream corporate limits.....	*903	Wills Creek: At downstream corporate limits.....	*731	Approximately 300 feet upstream of U.S. Route 219.....	*1,554
Maps available for inspection at the residence of Ms. Sally Giomesto, Township Secretary, 511 10th Street, Saxton, Pennsylvania.		Approximately 75 feet upstream of upstream corporate limits.....	*1,136	Maps available for inspection at the Township Secretary's residence, R.D. #1, Box 492, Grampan, Pennsylvania.	
Howard (borough), Centre County (FEMA Docket No. 6941)		Little Wills Creek: At confluence with Wills Creek.....	*933	Petersburg (borough), Huntingdon County (FEMA Docket No. 6941)	
Lick Run: Approximately 500 feet downstream of Mill Street.....	*672	Approximately 200 feet upstream of the upstream corporate limits.....	*1,216	Shaver Creek: Downstream corporate limits.....	*675
Approximately 950 feet upstream of CONRAIL.....	*703	Maps available for inspection at the Township Building, Route 96, Hyndman, Pennsylvania.		Upstream corporate limits.....	*675
Maps available for inspection at the Borough Building, Howard, Pennsylvania.		Madison (township), Columbia County (FEMA Docket No. 6941)		Maps available for inspection at the Petersburg Borough Building, Washington Street, Petersburg, Pennsylvania.	
Howard (township), Centre County (FEMA Docket No. 6941)		Little Fishing Creek: Downstream corporate limits.....	*551	Quemahoning (township), Somerset County (FEMA Docket No. 6941)	
Lick Run: Approximately 1,150 feet downstream of T-948.....	*704	Upstream corporate limits.....	*632	Stony Creek River: At downstream corporate limits.....	*1,543
Approximately 800 feet upstream of T-948.....	*747	Maps available for inspection at the Township Building, Route 254, Jerseytown, Pennsylvania.		Approximately 300 feet upstream of most upstream crossing of T-666.....	*1,776
Maps available for inspection at the Township Building, Howard, Pennsylvania, please contact Dan Lyons at (814) 625-2728.		Mahaffey (borough), Clearfield County (FEMA Docket No. 6938)		Maps available for inspection at the Township of Quemahoning, Somerset County, Pennsylvania.	
Jackson (township), Huntingdon County (FEMA Docket No. 6941)		Chest Creek: At confluence with West Branch Susquehanna River.....	*1,271	Shirley (township), Huntingdon County (FEMA Docket No. 6941)	
Standing Stone Creek: Approximately 1,550 feet downstream of State Routes 26 and 305.....	*727	At upstream of corporate limits approximately 650 feet.....	*1,275	Juniata River: At downstream corporate limits.....	*541
Approximately 2,375 feet upstream of L.R. 31068.....	*760	West Branch Susquehanna River: Approximately 600 feet downstream of CONRAIL.....	*1,266	At upstream corporate limits.....	*558
East Branch Standing Stone Creek: Approximately 110 feet downstream of L.R. 31056.....	*741	Approximately 1,630 feet upstream of confluence with Chest Creek.....	*1,272	Aughwick Creek: Approximately 1.8 miles downstream of U.S. Route 522.....	*560
Approximately 910 feet upstream of L.R. 31056.....	*760	Maps available for inspection at the Mahaffey Ambulance Building, Mahaffey, Pennsylvania.		Approximately 350 feet upstream of U.S. Route 522.....	*571
Maps available for inspection at the residence of Leroy J. Koch, Township Secretary, R.D. 1, Box 456, Petersburg, Pennsylvania 16669.		Send comments to The Honorable John M. Bakaysa, President of the Borough of Mahaffey Council, Clearfield County, Mahaffey, Pennsylvania 15757.		Maps available for inspection at the Shirley Township Building, Route 522, Mt. Union, Pennsylvania.	
Lawrence (township), Clearfield County (FEMA Docket No. 6941)		Midway (borough), Washington County (FEMA Docket No. 6946)		South Franklin (township), Washington County (FEMA Docket No. 6938)	
Moose Creek: At L.R. 17052.....	*1,101	Robinson Run: At downstream corporate limits.....	*1,051	Chartiers Creek: At downstream corporate limits.....	*1,047
Approximately 1,200 feet upstream of U.S. Route 322.....	*1,259				

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At upstream crossing of State Route 18.....	*1,129	Walker (township), Centre County (FEMA Docket No. 6938)		Maps available for inspection at Kathy Brandt's residence, Township Secretary, R.D. 1, Port Matilda, Pennsylvania.	
<i>Tennille Creek:</i>		<i>Little Fishing Creek:</i>		SOUTH DAKOTA	
Approximately 230 feet downstream of down- stream corporate limits.....	*1,025	At downstream corporate limits.....	*842	Watertown (city), Codington County (FEMA Docket No. 6938)	
Approximately 1.6 miles upstream of Cracraft Road bridge.....	*1,154	Approximately 400 feet upstream of L.R. 14027.....	*1,114	<i>Ruby Creek:</i>	
Maps available for inspection at the Township Office, 100 Jolly School Road, Washington, Pennsylvania.		<i>Roaring Run:</i>		Approximately 425 feet upstream of 3rd Avenue North.....	*1,735
Spangler (borough), Cambria County (FEMA Docket No. 6941)		At confluence with Little Fishing Creek.....	*851	Approximately 95 feet downstream of 7th Avenue North.....	*1,739
<i>West Branch Susquehanna River:</i>		Approximately 1,040 feet upstream of State Route 64.....	*890	Approximately 760 feet upstream of 9th Avenue North.....	*1,744
At downstream corporate limits.....	*1,448	Maps available for inspection at the Walker Township Building, R.D. 2, Box 247 V, Belle- fonte, Pennsylvania.		<i>Big Sioux River:</i>	
At upstream corporate limits.....	*1,481	West Brunswick (township), Schuylkill County (FEMA Docket No. 6938)		Approximately 75 feet upstream of 20th Avenue.....	*1,712
<i>Fox Run:</i>		<i>Little Schuylkill River:</i>		Approximately 150 feet upstream of Kemp Avenue.....	*1,717
At confluence with West Branch Susquehanna River.....	*1,475	Approximately .8 mile downstream of State Route 61.....	*430	Approximately 1,500 feet upstream of 10th Avenue North.....	*1,719
At upstream corporate limits.....	*1,521	At upstream corporate limits.....	*489	Maps are available for review at the Office of the Building Inspector, 23 Second Street, N.E., Watertown, South Dakota.	
<i>Browns Run:</i>		<i>Pine Creek:</i>		TEXAS	
At confluence with West Branch Susquehanna River.....	*1,461	At CONRAIL crossing.....	*453	Bartonville (town), Denton County (FEMA Docket No. 6938)	
At upstream corporate limits.....	*1,472	At upstream corporate limits.....	*523	<i>Loving Branch:</i>	
Maps available for inspection at the Borough Garage, Spangler, Pennsylvania.		<i>Schuylkill River:</i>		At corporate limits.....	*615
Stillwater (borough), Columbia County (FEMA Docket No. 6941)		At downstream corporate limits.....	*393	Approximately 1,070 feet upstream of Landfall Circle Road.....	*654
<i>Fishing Creek:</i>		Approximately 3.2 miles upstream of State Route 81.....	*437	Maps available for inspection at the Town Hall, 134 B Jeter Road, Argyle, Texas 76226.	
At most downstream corporate limits.....	*685	Maps available for inspection at the West Brunswick Township Municipal Building, 1363 R.D. 1, Orwigsburg, Pennsylvania 17961.		Denver City (city), Yoakum County (FEMA Docket No. 6932)	
At most upstream corporate limits.....	*718	Westover (borough), Clearfield County (FEMA Docket No. 6941)		<i>Playa P-3A:</i>	
<i>Raven Creek:</i>		<i>Chest Creek:</i>		At intersection of West Fir Street and South Avenue F.....	*3,554
At confluence with Fishing Creek.....	*689	At downstream corporate limits.....	*1,349	At upstream corporate limits.....	*3,559
Approximately 225 feet upstream of upstream corporate limits.....	*713	Approximately 250 feet upstream of CONRAIL.....	*1,359	<i>Playa P-4-P-1-A:</i>	
Maps available for inspection at the Borough Building, McHenry Street, Stillwater, Pennsylv- ania.		Maps available for inspection at the Borough Building, Westover, Pennsylvania.		At downstream (northwest) corporate limits.....	*3,572
Sugarloaf (township), Columbia County (FEMA Docket No. 6938)		West Providence (township), Bedford County (FEMA Docket No. 6938)		Approximately 0.5 mile upstream of Main Avenue.....	*3,585
<i>Fishing Creek:</i>		<i>Raystown Branch Juniata River:</i>		Maps available for inspection at the City Hall, 3rd & Main, Denver City, Texas.	
Approximately 0.2 mile downstream of T-714.....	*928	Approximately 400 feet downstream of Ritchey Bridge.....	*928	Trophy Club (town), Denton County (FEMA Docket No. 6941)	
Approximately 900 feet upstream of T-714.....	*940	Approximately 9.3 miles upstream of L.R. 05089.....	*1,001	<i>Marshall Branch:</i>	
<i>East Branch Fishing Creek:</i>		Maps available for inspection at the West Pro- vidence Township Office, East 5th Avenue, Ever- ett, Pennsylvania 15537.		At downstream corporate limits.....	*564
Approximately 1 mile downstream of T-720.....	*1,010	West St. Clair (township), Bedford County (FEMA Docket No. 6938)		Downstream side of State Route 114.....	*598
At upstream County boundary.....	*1,088	<i>Dunning Creek:</i>		<i>Indian Creek:</i>	
<i>West Branch Fishing Creek:</i>		Approximately 900 feet downstream of down- stream corporate limits.....	*1,136	At downstream corporate limits.....	*574
Approximately 700 feet downstream of most downstream crossing of State Route 16.....	*1,006	Upstream side of Covered Bridge.....	*1,144	Approximately 730 feet upstream of Greenleaf Drive.....	*600
Approximately 800 feet upstream of second upstream crossing of State Route 16.....	*1,064	Approximately 250 feet upstream of T-569.....	*1,155	Maps available for inspection at 100 Municipal Drive, Trophy Club, Texas.	
Approximately 0.4 mile downstream of 3rd up- stream crossing of State Route 16.....	*1,110	Upstream side of T-506.....	*1,167	VIRGINIA	
At upstream corporate limits.....	*1,179	Upstream side of T-565.....	*1,175	Caroline County (unincorporated area) (FEMA Docket No. 6941)	
Maps available for inspection at the Township Office, R.D. 2, Box 122, Benton, Pennsylvania.		<i>Barefoot Run:</i>		<i>Mattaponi River:</i>	
Todd (township), Huntingdon County (FEMA Docket No. 6941)		Approximately 225 feet upstream of confluence with Dunning Creek.....	*1,142	Approximately 9.4 miles downstream of State Road 647.....	*52
<i>Yellow Branch:</i>		Approximately 450 feet upstream of State Route 56.....	*1,159	At confluence with the Matta River and Poni River.....	*120
At confluence with Great Trough Creek.....	*1,521	Approximately 110 feet upstream of State Route 96.....	*1,214	<i>Matta River:</i>	
Approximately 0.2 mile upstream of State High- way 994.....	*1,537	Upstream side of Hench Street.....	*1,222	At confluence with the Poni River.....	*120
<i>Unnamed Tributary to Great Trough Creek:</i>		Approximately 65 feet upstream of Main Street.....	*1,234	At State Road 632.....	*137
At confluence with Great Trough Creek.....	*1,123	Approximately 0.36 mile upstream of Main Street.....	*1,254	<i>Poni River:</i>	
Approximately 0.3 mile upstream of County Road 738.....	*1,126	Maps available for inspection at the Township Building, Route 56, West of Pleasantville, Alum Bank, Pennsylvania.		At confluence with the Matta River.....	*120
Maps available for inspection at the residence of Clair C. Rickabaugh, R.D., Todd, Pennsylv- ania.		Worth (township), Centre County (FEMA Docket No. 6946)		Approximately 375 feet upstream of State Road 608.....	*128
Union (township), Centre County (FEMA Docket No. 6938)		<i>Bald Eagle Creek:</i>		<i>North Anna River:</i>	
<i>Bald Eagle Creek:</i>		Approximately 2,350 feet upstream of corporate limits.....	*922	At confluence with Pamunkey River.....	*61
At downstream corporate limits.....	*725	At upstream corporate limits.....	*977	Approximately 3.4 miles upstream of U.S. Route 1.....	*103
Approximately 1.6 miles upstream of most up- stream Borough of Unionville—Township of Union corporate limits.....	*799			Maps available for inspection at the County Planning Department, 109B Ennis Street, Bow- ling Green, Virginia.	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Grayson County (unincorporated areas) (FEMA Docket No. 6938)		Maps available for inspection at the City Office, 23 Virginia Avenue, Petersburg, West Virginia.		Maps are available for inspection at the Department of Public Works, City Hall, 250 East L Street, Benicia, California.	
New River:		WISCONSIN		San Diego County (unincorporated areas) (FEMA Docket No. 6927)	
Approximately 2.0 miles upstream of Town of Fries corporate limits	*2,209	Merton (village), Waukesha County (FEMA Docket No. 6941)		Sweetwater River (Above Reservoir):	
At confluence of Johns Creek	*2,274	Bark River:		Approximately 3,340 feet downstream of the confluence of Harbison Canyon Creek	*481
Upstream side of U.S. Routes 21 and 221	*2,342	Just upstream of Dorn Road		Just upstream of third bridge in the Singing Hills Golf Course	*453
Downstream side of State Route 601	*2,420	About 1,750 feet upstream of Mill Pond Dam		Just upstream of Oak Drive	*397
Approximately 1.0 mile upstream of State Route 93	*2,461	Maps available for inspection at the Village Hall, 28343 Sussex Road, Merton, Wisconsin.		Just upstream of Steel Canyon Road	*351
Wilson Creek:		Waupaca (city), Waupaca County (FEMA Docket No. 6941)		Just downstream of Campo Road-Highway 94	*318
At confluence with New River	*2,461	Crystal River:		Just above the Sweetwater Authority Ford	*258
At upstream side of State Route 721	*2,520	About 2,600 feet downstream of Riverside Drive Dam		Just above the Sweetwater River Reservoir	*248
Approximately 100 feet upstream of U.S. Route 58 and State Route 16	*2,585	Just downstream of Riverside Drive Dam		Mexican Canyon Creek Overflow:	
Approximately 100 feet upstream of U.S. Route 58	*2,660	Just upstream of Riverside Drive Dam		Approximately 2,100 feet downstream of Jamul Drive	*443
Approximately 1.0 mile upstream of U.S. Route 58	*2,730	Just downstream of U.S. Highway 10		At confluence with Mexican Canyon Creek	*414
Approximately 0.5 mile downstream of State Route 743	*2,879	Waupaca River:		Mexican Canyon Creek:	
Approximately 1,600 feet upstream of State Route 743	*2,952	About 1,300 feet downstream of Shearer Street		Approximately 240 feet upstream of footbridge	*590
Elk Creek:		Just downstream of Washington Street Dam		Just upstream of Jamul Drive	*491
Approximately 300 feet upstream of confluence of Shop Branch	*2,529	Just upstream of Washington Street Dam		At confluence with Mexican Canyon Creek	*414
Approximately 100 feet upstream of State Route 665	*2,548	Just downstream of Harrison Street		Overflow	*361
Chestnut Creek:		Maps available for inspection at the City Hall, 124 South Washington Street, Waupaca, Wisconsin.		At the confluence with the Sweetwater River	
Approximately 200 feet downstream of County boundary	*2,365	WYOMING		Harbison Canyon Creek:	
Approximately 100 feet upstream of upstream bridge	*2,386	Mountain View (town), Uinta County (FEMA Docket No. 6938)		Approximately 620 feet upstream of Patrick Drive	*1,038
Maps available for inspection at the County Administrator's Office, Independence, Virginia.		Smiths Fork River:		Approximately 30 feet upstream of Noakes Street	*950
Northumberland County (unincorporated areas) (FEMA Docket No. 6938)		Approximately 1,030 feet downstream of Riverbend Drive		Approximately 320 feet upstream of Gladiola Lane	*900
Potomac River:		Approximately 835 feet downstream of State Highway 414		Approximately 50 feet downstream of Warfield Way	*860
Shoreline at Wrights Cove	*6	Approximately 1,320 feet upstream of State Highway 414		Approximately 20 feet upstream of Collier Way	*814
Shoreline at Bamboo Island	*9	Approximately 300 feet northwest of the intersection of Riverbend Drive and Smiths Fork River		Approximately 1,980 feet downstream of Collier Way	*760
Chesapeake Bay:		Maps available for inspection at the Town Hall, Town of Mountain View, 405 Highway 414, Mountain View, Wyoming.		Approximately 3,630 feet downstream of Collier Way	*680
Shoreline at confluence of Great Wicomico River and Blackwells Creek	*6			Approximately 5,110 feet upstream of Dehesa Road	*620
Shoreline at southwest side of Taskmakers Creek	*9			Approximately 2,180 feet upstream of Dehesa Road	*590
Shoreline at southeast side of the mouth of Indian Creek	*10			Approximately 90 feet upstream of Dehesa Road	*570
Maps available for inspection at the Building and Zoning Department, County Courthouse, Heathsville, Virginia.				San Diego River:	
WEST VIRGINIA				Approximately 10,500 feet upstream of Riverford Bridge	*397
Franklin (town), Pendleton County (FEMA Docket No. 6941)				Approximately 7,500 feet upstream of Riverford Bridge	*393
South Branch Potomac River:				Approximately 3,400 feet upstream of Riverford Bridge	*375
Approximately 1,500 feet east of intersection of Meadow Lane and South Branch Street	*1,682			Approximately 40 feet upstream of Riverford Bridge	*368
Approximately 100 feet east of intersection of South Branch Street and Mill Road	*1,692			Approximately 1,600 feet downstream of Riverford Bridge	*360
Maps available for inspection at the Town Hall, Franklin, West Virginia.				Approximately 2,100 feet downstream of Riverford Bridge	*354
Pendleton County (unincorporated areas) (FEMA Docket No. 6941)				Santa Maria Creek (San Pasqual Valley Area):	
South Branch Potomac River:				Approximately 1,700 feet upstream of Bandy Canyon Road	*400
Approximately 1,100 feet downstream of U.S. Route 33	*1,647			Approximately 90 feet upstream of Bandy Canyon Road	*398
Approximately 2.4 miles upstream of U.S. Route 33	*1,715			Santa Ysabel Creek:	
Maps available for inspection at the County Clerk's Office, County Courthouse, Franklin, West Virginia.				Approximately 2,880 feet upstream of State Highway 78	*433
Petersburg (city), Grant County (FEMA Docket No. 6941)				Approximately 180 feet upstream of State Highway 78	*426
South Branch Potomac River:				Approximately 2,540 feet downstream of State Highway 78	*413
Approximately 0.7 mile downstream of U.S. Route 220	*826			Approximately 23,570 feet upstream of Interstate Highway 15	*356
Approximately 1.3 miles upstream of U.S. Route 220	*955			Approximately 21,760 feet upstream of Interstate Highway 15	*350
				South Fork Moosa Canyon Creek:	
				Approximately 230 feet upstream of Live Oak	*539
				Just upstream of Oak Shadows Drive	*525
				Just downstream of Lawrence Welk Drive	*506
				Approximately 3,850 feet downstream of Old Castle Road	*475
				Approximately 2,065 feet downstream of Old Castle Road	*460
				Approximately 110 feet upstream of Old Castle Road	*440

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Box Canyon (Alluvial Fan):		At the intersection of Santa Rosa Drive and Di Giorgio Road.....	#1
Approximately 1,680 feet upcanyon from USGS Gaging Station #10255800 in a northeast direction.....	#3	At the Borrego Valley Airport.....	#1
Approximately 860 feet upcanyon from USGS Gaging Station #10255800 in a northeast direction.....	#2	At the intersection of sections 13, 14, 23, and 24 in T10S and R6E.....	#1
Unnamed Canyon (Alluvial Fan):		Borrego Palm Canyon, Fire Canyon, or Hellhole Canyon (Alluvial Fan):	
Approximately 1,700 feet upcanyon from the intersection of sections 23, 24, 25, and 26 in T9S and R5E in a southwest direction.....	#3	At the intersections of Lazy S Drive and St. Vincent Drive.....	#2
Approximately 1,000 feet upcanyon from the intersection of sections 23, 24, 25, and 26 in T9S and R5E in a southwest direction.....	#2	At the intersection of Whip Drive and Ocotillo Circle.....	#2
El Vado Canyon (Alluvial Fan):		At Christmas Circle.....	#2
Approximately 2,100 feet upcanyon from the western corner of the intersection of sections 6 and 7 in T10S and R6E in a northwest direction.....	#2	Dry Canyon or Culp-Tubb Canyon (Alluvial Fans):	
Approximately 1,400 feet downcanyon from the western corner of the intersection of sections 6 and 7 in T10S and R6S in a southeast direction.....	#1	At the intersection of Country Club Road and Tilting Drive.....	#2
Henderson Canyon (Alluvial Fan):		At the intersection of Country Club Road and Wagon Road.....	#2
Approximately 12,300 feet upcanyon from the intersection of Montezuma Road and Catarina Drive in a northwest direction.....	#3	At the intersection of De Anza Road and Coun- try Club Road.....	#1
Approximately 9,000 feet upcanyon from the intersection of Montezuma Road and Catarina Drive in a northwest direction.....	#2	Maps are available for review at the San Diego County Department of Public Works, 5555 Overland Avenue, San Diego, California 92123.	
Approximately 8,000 feet upcanyon from the intersection of Montezuma Road and Catarina Drive in a northwest direction.....	#1		
Borrego Palm Canyon (Alluvial Fan):		Issued: April 5, 1989.	
Approximately 2,000 feet downcanyon from USGS Gaging Station #10255810 in a south- east direction.....	#4	Harold T. Duryee, <i>Administrator, Federal Insurance Administration.</i>	
Approximately 4,500 feet upcanyon from the State Park Headquarters in a western direc- tion.....	#3	[FR Doc. 89-8610 Filed 4-12-89; 8:45 am]	
Fire Canyon (Alluvial Fan):		BILLING CODE 6718-03-M	
Approximately 8,750 feet upcanyon from the intersection of Whip Drive and Verbena Drive in a western direction.....	#2		
Approximately 6,500 feet upcanyon from the intersection of Whip Drive and Verbena Drive in a western direction.....	#1		
Hellhole Canyon (Alluvial Fan):		DEPARTMENT OF TRANSPORTATION	
Approximately 12,000 feet upcanyon from the intersection of Palm Canyon Drive and Dia- monds Road in a southwest direction.....	#3	Coast Guard	
Approximately 7,000 feet upcanyon from the intersection of Palm Canyon Drive and Dia- monds Road in a southwest direction.....	#2	46 CFR Part 25	
Dry Canyon (Alluvial Fan):		[CGD-87-016]	
Approximately 9,000 feet upcanyon from the intersection of Broken Arrow Road and Tilting Drive in a southwest direction.....	#4	RIN 2115-AC69	
Approximately 6,500 feet upcanyon from the intersection of Broken Arrow Road and Tilting Drive in a southwest direction.....	#1		
Culp-Tubb Canyon (Alluvial Fan):		Emergency Position Indicating Radio Beacons for Uninspected Fishing, Fish Processing, and Fish Tending Vessels	
Approximately 6,500 feet upcanyon from the intersection of Country Club Road and Wagon Road in a southwest direction.....	#4	AGENCY: Coast Guard, DOT.	
At the Tubb Canyon Spring Dike.....	#3	ACTION: Final rule; extension of compliance date.	
Approximately 1,000 feet east of the southern tip of the Tubb Canyon Spring Dike.....	#2		
At the intersection of Country Club Road and Borrego Springs Road.....	#1	SUMMARY: The Coast Guard is extending the compliance date of its final rule that requires emergency position indicating radio beacons (EPIRBs) to be carried on uninspected fishing, fish processing and fish tender vessels operating on the high seas. This extension is necessary to allow manufacturers of the required 406 MHz EPIRBs to complete prototype testing and begin production. By extending this compliance date, more manufacturers will have time to develop their EPIRBs and the retail market will offer fishermen a greatly improved device.	
Coyote Canyon (Alluvial Fan):		EFFECTIVE DATE: April 13, 1989.	
Approximately 2,000 feet downcanyon from USGS Gaging Station #10255800 in a south- east direction.....	#6	ADDRESSES: Between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays, comments and the Final Rule are	
Approximately 9,000 feet downcanyon from USGS Gaging Station #10255800 in a south- east direction.....	#5		
Approximately 14,000 feet downcanyon from USGS Gaging Station #10255800 in a south- east direction.....	#4		
Coalescent Alluvial Fan Areas			
Coyote Canyon, Box Canyon or Unnamed Canyon (Alluvial Fans):			
At the intersection of sections 31 and 32 in T9S and R6E with sections 5 and 6 in T10S and R6E.....	#3		
At the intersection of sections 4, 5, 8 and 9 in T10S and R6E.....	#2		

available for inspection and copying at the Marine Safety Council, U.S. Coast Guard, Room 3600, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-1477. The Final Evaluation may also be inspected or copied at the Marine Safety Council.

FOR FURTHER INFORMATION CONTACT:

LCDR Stanford W. Deno, Survival Systems Branch, Room 1404, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-1444. Normal office hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: A Final

Rule was published in the *Federal Register* on August 17, 1988 (53 FR 31004), effective October 3, 1988. This rule required owners of fishing vessels, fish processing vessels and fish tender vessels, operating on the high seas, to ensure that the vessels do not operate unless they have on board a 406 MHz satellite EPIRB. As originally published, owners had until August 17, 1989 to bring their vessels into compliance with the rule. The Federal Communications Commission (FCC) published final rules in the *Federal Register* on September 26, 1988 (53 FR 37307), allowing ships to use 406 MHz emergency radio beacons for distress situations. These FCC rules also contained special requirements for manufacturers of the 406 MHz EPIRBs to complete in addition to the normal FCC type acceptance procedures.

As a part of the acceptance process, manufacturers are required to submit a prototype EPIRB for testing by a Coast Guard accepted independent laboratory. The acceptance process was initially delayed by the lack of accepted independent laboratories. Currently there are three independent laboratories accepted by the Coast Guard and four manufacturers seeking acceptance of their 406 MHz EPIRBs in the United States.

In order to maintain the commitment in the final rule allowing approximately six months for installation of satellite EPIRBs after the units are readily available, the compliance date needs to be delayed nine months from the original date published in the final rule.

In accordance with the preceding, the Coast Guard is amending 46 CFR 25.26-1 by removing the date August 17, 1989 and inserting the date, May 17, 1990. Since this action merely carries out the commitment made in response to comments on the original rulemaking, further notice and comment is unnecessary. Since this action relieves a burden, it is being made effective upon publication.

Regulatory Evaluation

The original regulations were considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation has been prepared and placed in the docket. It may be inspected or copied at the Office of the Marine Safety Council (see "ADDRESSES", above). Since this extension of the compliance date has no economic impact, and will not affect the conclusions of the final evaluation, no further evaluation is considered necessary.

Regulatory Flexibility Act

Since this extension of the original compliance date has no economic impact, the Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

It has been determined that this rulemaking is categorically excluded from detailed environmental evaluation. The Categorical Exclusion Determination for the original rulemaking is available in the docket for examination, copying and public comment.

Paperwork Reduction

No paperwork is required by this regulation.

Federalism Statement

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment.

Regulatory Information Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 46 CFR Part 25

Fire prevention, Marine safety.

In consideration of the foregoing Subchapter C of Title 46, Code of Federal Regulations, is amended as follows:

PART 25—[AMENDED]

1. The authority citation to Part 25 continues to read as follows:

Authority: 46 U.S.C. 3306, 4104, and 4302; 49 CFR 1.46.

2. By revising the introductory text of paragraph (a) of § 25.26-1 to read as follows:

§ 25.26-1 Uninspected Fishing, Fish Processing, and Fish Tender Vessels.

(a) After May 17, 1990, the owner of an uninspected vessel that is a fishing vessel, a fish processing vessel, or a fish tender vessel shall ensure that the vessel does not operate on the high seas, as defined in 33 CFR 2.05-1(a), unless it has on board—

Dated: March 24, 1989.

M.J. Schiro,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-8658 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-14-M

Maritime Administration

46 CFR Part 298

[Docket No. R-127]

Obligation Guarantees; Technical Amendments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: These technical amendments merely effect changes in definitions and other provisions of the regulations for the vessel obligation guarantee program (Title XI Program) to reflect and be consistent with provisions in Pub. L. 100-710, which became effective on January 1, 1989, and implementing Maritime Administration (MARAD) regulations at 46 CFR Part 221. These amendments make no substantive changes in the administration of the Title XI Program by MARAD.

DATE: This final rule shall become effective on April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Edmund T. Sommer, Jr., Chief, Division of Regulations, Office of the Chief Counsel, Maritime Administration (202) 366-5181.

SUPPLEMENTARY INFORMATION: The regulations at 46 CFR Part 298 govern the administration of the provisions in Title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271-1279). These regulations contain definitions and procedures with respect

to preferred mortgages, which comprise the principal security to the United States for its guarantee of vessel obligations (debt instruments issued to finance vessels). Pub. L. 100-710, which became effective on Jan. 1, 1989, contains provisions controlling the transfer of interests in a vessel documented under U.S. law, or for which an application for documentation has been made in substantial compliance with the documentation laws. Such transfers include the perfecting of a preferred mortgage, which is defined. Pub. L. 100-710 also repeals the Ship Mortgage Act of 1920 (46 App. U.S.C. 984), to which reference is made in these regulations. These amendments will conform the provisions of these regulations to the requirements of Pub. L. 100-710 and other MARAD regulations at 46 CFR Part 221 for actions concerning preferred mortgages.

Analysis of Regulatory Impact

This rulemaking has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions. Furthermore, it will not adversely impact competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking does not involve any change in important Departmental policies, and is not considered significant. Since there should be a minimal economic impact, further economic evaluation is unnecessary. Moreover, the Deputy Maritime Administrator certifies that these amendments will not have a significant economic impact on a substantial number of small entities.

This rulemaking will have no environmental impact that requires an environmental impact statement under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for Federalism to warrant preparation of a Federalism Assessment.

Finally, this rulemaking contains no reporting requirements that require approval by the Office of Management and Budget pursuant to provision of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Since these amendments are technical in nature and merely conform the regulations to the provisions of Pub. L. 100-710 and other MARAD regulations, there is good cause for finding that the notice and comment requirements of 5 U.S.C. 553 are not necessary and that the rule may become effective upon publication.

List of Subjects in 46 CFR Part 298

Banks, banking, loan programs—transportation, Maritime Administration, maritime carriers, mortgages, uniform system of accounts.

Accordingly, 46 CFR Part 298 is amended as follows:

1. The citation of authority is revised to read as follows:

Authority: Sec. 204(b) and 1109, Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1114(b), 1279b); 49 CFR 1.66.

§ 298.2 [Amended]

2. Section 298.2, Definitions, is amended as follows—

(a) Paragraph (m) is revised to read as follows—(m) "Mortgage" means a Preferred Mortgage on any Vessel documented under United States law.

(b), Paragraph (s) is revised to read as follows—(s) "Preferred Mortgage" means a Mortgage, whenever made, that—

- (1) Includes the whole of a Vessel;
- (2) Is filed in substantial compliance with 46 U.S.C. 31321;
- (3) Covers a documented Vessel or a Vessel for which an application for documentation has been filed that is in substantial compliance with the requirements of 46 U.S.C. Ch. 121 and the regulations prescribed under that chapter by the United States Coast Guard; and
- (4) Has as the mortgagee—
 - (i) A State;
 - (ii) The United States Government;
 - (iii) A Federally insured depository institution, unless disapproved by the Secretary for that vessel;
 - (iv) An individual who is a citizen of the United States;
 - (v) A person qualifying as a citizen of the United States pursuant to provision of 46 App. U.S.C. 802; or
 - (vi) A person approved by the Secretary pursuant to regulations at 46 CFR 221.43

§ 298.31 [Amended]

3. Section 298.31(a) is amended by removing the last sentence, and inserting in lieu thereof the following: "The Preferred Mortgage shall be filed with the United States Coast Guard at the Vessel's home port and shall be delivered to the Secretary after being recorded."

§ 298.32 [Amended]

4. Section 298.32(b)(4) is amended by deleting the citation to "the Ship Mortgage Act of 1920" and inserting in lieu thereof the citation to "46 U.S.C. 31301-31343".

By order of the Deputy Maritime Administrator.

Dated: April 6, 1989.

James E. Sarri,

Secretary, Maritime Administration.

[FR Doc. 89-8663 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-81-M

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-149F, Amdt. No 173-209]

Exceptions for Specified Quantities of Radioactive Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: RSPA is renewing for two years the exceptions (statutory exemptions) for specified quantities of radioactive materials found in 49 CFR 173.4, 173.421-1 and 173.421-2. These amendments are necessary to permit the transportation by passenger-carrying aircraft of certain quantities of radioactive materials under existing provisions. Renewal of these exceptions will prevent the disruption of routine and ongoing shipments which have been made safely for 12 years under the existing exceptions. These materials do not present a significant hazard to passengers or crew on an aircraft.

EFFECTIVE DATE: May 2, 1989.

FOR FURTHER INFORMATION CONTACT: Ann Boylan, Office of Hazardous Materials Transportation, RSPA, Washington, DC 20590, telephone (202) 366-4488.

SUPPLEMENTARY INFORMATION: On December 12, 1988, RSPA published a notice in the Federal Register (Docket HM-149F, Notice No. 88-9, 53 FR 49895) requesting public comment on RSPA's proposal to amend the Hazardous Materials Regulations (HMR) by renewing for two years the exceptions (statutory exemptions) found in 49 CFR 173.4, 173.421-1 and 173.421-2 for specified quantities of radioactive materials. The one commenter who responded to Notice 88-9 fully supported the proposal for renewal of the exceptions on basis of the excellent safety record associated with the transportation of these materials.

In accordance with section 107 of the Hazardous Materials Transportation Act (HMTA, 49 App. U.S.C. 1806) governing exemptions, the exceptions provided in §§ 173.4, 173.421-1 and 173.421-2 are limited to two years unless reexamined and renewed. These exceptions were scheduled to expire on May 2, 1989. Historically, these exceptions have been issued and subsequently renewed under Docket HM-149. The legal background and regulatory history of these exceptions can be found in Docket HM-149C (46 FR 24184) published on April 30, 1981, and in preceding amendments dating back to April 17, 1975 (40 FR 17141).

In accordance with 49 U.S.C. 1806 and 49 CFR 106.13, RSPA has reexamined the basis for the exceptions provided in §§ 173.4, 173.421-1 and 173.421-2. Based on this review and on the very limited hazard posed by these materials, in addition to the comment supporting the proposal, RSPA is extending the effective dates of the exceptions contained in these sections through May 2, 1991.

Administrative Notices

Executive Order 12291

The RSPA has determined that this final rule (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the Docket.

Executive Order 12612

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Impact on Small Entities

Based on limited information concerning the size and nature of entities likely to be affected by this final rule, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Radioactive materials, Packaging and containers.

In consideration of the foregoing, Part 173 of Title 49 of the Code of Federal Regulations is amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for Part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

§§ 173.4, 173.421-1, 173.421-2 [Amended]

2. In Part 173, remove the year "1989" and add, in its place, the year "1991" in the following sections: § 173.4(b), § 173.421-1(b)(2), § 173.421-2(d).

Issued in Washington, DC, on April 7, 1989, under the authority delegated in 49 CFR Part 1, Appendix A.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 89-8862 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-80-M

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice amends the delegations of authority within the National Highway Traffic Safety Administration. It results from enactment of the Imported Vehicle Safety Compliance Act of 1988.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of the Chief Counsel (NCC-10), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-366-5263).

SUPPLEMENTARY INFORMATION: This notice concerns the delegation of authority within the National Highway Traffic Safety Administration (NHTSA). It amends the current delegations of authority to reflect the assignment of new duties and powers, which result from the passage of the Imported Vehicle Safety Compliance Act of 1988, Pub. L. 100-562. The new law amends section 108 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1397, and relates to the importation of motor vehicles. The powers and duties

for administering the new amendment are automatically delegated by the Secretary of Transportation to the Administrator of the NHTSA by the terms of 49 CFR 1.50(a). This notice delegates those powers and duties from the Administrator to the Associate Administrator for Enforcement.

The amendments set forth below relate solely to the organization and assignment of duties within the agency, and have no substantive regulatory effect. They are not covered by the notice and comment and effective date requirements of the Administrative Procedures Act. In addition, they are not covered by the requirements of Executive Order 12291 nor the Department of Transportation's regulatory policies and procedures. Notice and the opportunity for comment are, therefore, not required, and these amendments are effective immediately upon publication in the *Federal Register*.

List of Subjects in 49 CFR Part 501

Authority, Delegations.

In consideration of the foregoing, 49 CFR 501.8 is amended as follows:

PART 501—[AMENDED]

1. The authority citation for Part 501 continues to read as follows:

Authority: 49 U.S.C. sections 105 and 322; delegation of authority at 49 CFR 1.50.

2. Section 501.8(f) introductory text, (f)(1) and (g) are revised as follows:

§ 501.8 Delegations.

(f) Associate Administrator for Rulemaking. Except for those portions that have been reserved to the Administrator or delegated to the Associate Administrator for Enforcement, the Associate Administrator for Rulemaking is delegated authority to exercise the powers and perform the duties of the Administrator with respect to the setting of motor vehicle safety and theft prevention standards, average fuel economy standards, procedural regulations, and the development of consumer information and regulations authorized under:

(1) The National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.), except section 108(c) through 108(j) (15 U.S.C. 1397(c) through 1397(j)), and

(g) Associate Administrator for Enforcement. Except for those portions that have been reserved to the Administrator or delegated to the Chief Counsel, the Associate Administrator for Enforcement is delegated authority

to exercise the powers and perform the duties of the Administrator with respect to:

(1) Administering the NHTSA enforcement program for all laws, standards, and regulations pertinent to vehicle safety, fuel economy, theft prevention, damageability, consumer information and odometer fraud, authorized under the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.), and the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 et seq.).

(2) Setting of regulations relating to the importation of vehicles under sections 108(c) through 108(j) of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1397(c) through 1397(j)).

Issued on: April 6, 1989.

Diane K. Steed,

Administrator.

[FR Doc. 89-8716 Filed 4-10-89; 11:21 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Zones In Which Lead Shot Will Be Prohibited for the Taking of Waterfowl, Coots and Certain Other Species in the 1989-90 Hunting Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The use of lead shot in waterfowl hunting poses an unnecessary risk to certain migratory birds because when the spent shot is consumed it often produces lead poisoning and death. Accordingly, this final rule describes the zones in which the use of lead shot is prohibited for hunting waterfowl, coots and certain other species in the 1989-90 season. The zones described consist of (1) the same areas that were already identified as nontoxic shot zones for waterfowl and coot hunting in § 20.108 of Title 50 of the Code of Federal Regulations (50 CFR) for the 1988-89 hunting season, (2) the added counties identified for 1989-90 in Appendix N of the Final Supplemental Environmental Impact Statement (SEIS) on the Use of Lead Shot for Hunting Migratory Birds in the United States (see Table I in Supplementary Information) and (3) those additional areas identified by the

States where acceleration of the nontoxic shot phase-in schedule is considered appropriate because of potential administrative, enforcement and/or lead poisoning problems. States that have declared a statewide ban on the use of lead shot for waterfowl and coot hunting are so noted.

EFFECTIVE DATE: May 15, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. B. Kenneth Williams, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 634, Arlington Square Building, 4401 Fairfax Dr., Arlington, Virginia 22201 (703/358-1714), or write Director (FWS/MBMO), Mail Stop 634-Arlington Square, 18th & C Streets NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION: This rule implements the third year (1989-90) of the 5-year component of the strategy to phase-in a nontoxic shot requirement for waterfowl hunting nationwide by 1991-92, as set out by the preferred alternative of the Final SEIS on the Use of Lead Shot for Hunting Migratory Birds in the United States published in June 1986 (FWS 86-16). The SEIS and consequent rulemakings imposing nontoxic shot requirements result from the Secretary of Interior's responsibilities under the Migratory Bird Treaty Act (MBTA), as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755), and the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543; 87 Stat. 884), to decide whether, where and how migratory bird hunting will be allowed. A critical element in the Department of the Interior's deliberations and decision to implement and enforce regulations establishing nontoxic shot zones nationwide has been the determination that lead poisoning resulting from waterfowl hunting is a significant annual mortality factor in certain migratory birds.

Information detailing the scientific basis for concluding that lead shot from waterfowl is causing lead poisoning in certain migratory birds and the development of the strategy to eliminate lead toxicity as a major mortality factor, including discussions of the issues for and against lead/steel shot, appears in the SEIS and the preamble to the proposed rule on the criteria and schedule for implementing nontoxic shot zones for 1987-88 and subsequent years published in the Federal Register on June 27, 1986 (51 FR 23444). The final rule for that proposed rule was published in the Federal Register on November 21, 1986 (51 FR 42103). Information on the justification for selecting this strategy has also been set out in the Final SEIS (Alternative VII),

the June 27, 1986, proposed rule and in the Record of Decision confirming the preferred alternative and published in the Federal Register on August 20, 1986 (51 FR 29673). Additional information relating to the imposition of nontoxic shot zones nationwide, according to the 5-year schedule, is contained in the final rules for the 1987-88 and 1988-89 waterfowl hunting seasons published in the Federal Register on Tuesday, July 21, 1987 (52 FR 27352) and on Tuesday, June 28, 1988 (53 FR 24284), respectively.

Counties scheduled to convert in their entirety to nontoxic shot in the 1989-90 waterfowl season are those counties having had an average annual waterfowl harvest of 10 or more per square mile over the 10-year period 1971-80. As scheduled, approximately 79 percent of the waterfowl harvest nationwide will occur in nontoxic shot zones in the 1989-90 waterfowl hunting season. However, the conversion of many entire States ahead of the schedule is estimated to increase waterfowl harvest occurring in nontoxic shot zones to be about 90 percent of the total harvest in this 1989-90 waterfowl hunting season.

Summary of General Public Comment on the Proposed Rule

Not considering State responses, one letter of comment was received on the proposed rule (53 FR 45296) for this final rule during the 30-day comment period that ended on December 9, 1988.

In this letter, the Wildlife Legislative Fund of America (Fund) objected to the plan to implement a nontoxic shot phase-in nationwide. The Fund questioned the Fish and Wildlife Service's (Service) assumptions with regard to the necessity to phase out the use of lead shot for waterfowl as "lacking scientific basis." The Fund stated that it had endorsed the "hotspot" approach to prohibit use of lead shot for waterfowl as a method that is effective in meeting the objective of protecting migratory bird and endangered or threatened bird species, and one that is fair in meeting the needs and wishes of the waterfowl hunters.

The comments of the Fund with regard to "hotspots" are within the scope of earlier rulemakings. Those comments will not be responded to in this final rule as they are similar, if not identical, to comments received from the general public on the proposed rule titled "Zones in which lead shot will be prohibited for waterfowl and coot hunting in the 1986-87 hunting season" of January 6, 1986 (51 FR 409), and were responded to as a preliminary final rule in Appendix O of the final SEIS on the use of lead shot for hunting migratory

birds in the United States completed in June of 1986 and announced in the Federal Register on June 27, 1986 (51 FR 23444), and July 11, 1986 (51 FR 25249).

The preliminary final rule referenced above (Appendix O), with comments and responses, was published as a final rule on September 3, 1986 (51 FR 31429).

Discussions pertinent to the comments of the Fund and presented in the Final SEIS (referenced accordingly) and/or presented in the Issues section of the September 3, 1986, nontoxic shot zone rule for the 1986-87 waterfowl hunting season (51 FR 31429) are as follows:

- Arguments against the lead shot-lead poisoning connection in waterfowl and bald eagles, including situations involving shooting over fields and over deep water, observers noting absence of carcasses, perceived documentation deficiencies, etc. (see, for example, Issues 1, 2, 7 and 8 Chapter III of the SEIS);
- Relative merits of the "hotspots" approach vs. the current phase-in strategy (see, for example, Issue 5 and Chapters II and IV of the SEIS); and
- General allegations of arbitrariness in Service actions to eliminate lead poisoning as a mortality factor in waterfowl and coots (see, for example, Issue 3).

State-by-State Comments and Responses for the Proposed Rule

In summary, 11 of the affected 47 States directly responded to or in anticipation of the proposed rule published on November 9, 1988 (53 FR 45296), regarding "Zones in which lead shot will be prohibited for hunting waterfowl, coots and certain other species in the 1988-89 hunting season." All of the States not providing written comment within the comment period were contacted either by the Service's Regional Offices or the Office of Migratory Bird Management to confirm that notification of the proposed rulemaking had been made. It is the policy of the Service that States will continue to be consulted annually with regard to the descriptions of converting zones through the 1991-92 waterfowl season nationwide phase-in of nontoxic shot.

Two States are noted to have major zone change differences when comparing the proposed and final rules; these States are New Hampshire and North Dakota. Twenty States will have a statewide nontoxic shot requirement in the 1989-90 waterfowl hunting season.

Individual comments of the 11 States responding to the proposed rule, during the comment period, are as follows:

California

The California Department of Fish and Game advised that a descriptive error existed with regard to Lassen County, i.e., the boundary description for the Northeastern Zone does not, nor is it intended to, include all of Lassen County. Thus, the final rule revises the descriptive language to show that most but not all of Lassen County is restricted to the use of nontoxic shot for waterfowl hunting.

Georgia

The Georgia Department of Natural Resources (Department) recommended adding four managed waterfowl impoundments as nontoxic shot areas. One waterfowl impoundment is in McIntosh County, a converting county, the others are Oconee WMA in Green County, West Point WMA in Hurd County and Lake Juliette on Rum Creek WMA in Monroe County. Additionally, the Department advised that it would be proposing a resident goose harvest for the 1989-90 season, and that affected counties would be designated nontoxic shot for geese only. The Service, in turn, advised the Department that the managed waterfowl impoundments will be included in the final rule but that the requested counties for a resident goose season will be held in abeyance pending approval of an appropriate regulation. Addition of these counties to existing nontoxic shot zones may then be done by Federal regulation amendment or by State regulation only.

Idaho

The Idaho Department of Fish and Game agreed to implementation and enforcement of nontoxic shot requirements in the zones described in the proposed rule for the 1989-90 waterfowl hunting season. The only change from the 1988-89 descriptions for Idaho is the addition of the remainder of Bannock County to the Southeastern Zone.

Kansas

The Kansas Department of Wildlife and Parks approves and supports the implementation and enforcement of nontoxic shot restrictions in the Kansas zones described herein for the 1989-90 waterfowl season.

Nevada

The Nevada Department of Wildlife concurs and supports the 1989-90 nontoxic shot zoning proposed for the State of Nevada.

New Hampshire

The State of New Hampshire Fish and

Game Department informed the Service that it would convert statewide for nontoxic shot in the 1989-90 waterfowl hunting season.

North Carolina

The North Carolina Wildlife Resources Commission advised the Service that the proposed nontoxic shot zones for the 1989-90 season would be expanded. Thus, in addition to New Hanover County, the other areas included are as follows: (a) New Hope Game Land, (b) Butner-Falls of Neuse Game Land and (c) posted waterfowl impoundments on other game lands. North Carolina was informed by letter that these areas would be added to existing nontoxic shot zones for the 1989-90 waterfowl hunting season.

North Dakota

The North Dakota Game and Fish Department provided verification of their 1986 announced schedule to implement nontoxic shot for waterfowl hunting statewide in the 1989-90 season. In North Dakota, this requirement is being extended to include sandhill crane and snipe.

Oklahoma

The Oklahoma Department of Wildlife Conservation (Department) redescribed Oklahoma's nontoxic shot zones provided in the proposed rule, on the basis of county and highway boundaries, for better delineation. In several cases the Department has included additional areas of adjoining counties in order to encompass lakes bisected by county lines.

Texas

The Texas Parks and Wildlife Department expressed appreciation for the opportunity to review the proposed rule.

Utah

The Resource Development Coordinating Committee of the State of Utah advised that no potentially affected State agencies had commented on the proposed rule.

In summary, this rule amends section 20.108 of 50 CFR to add areas to expand existing nontoxic shot zones for the 1989-90 waterfowl hunting season.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices

for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which includes small businesses, organizations and/or governmental jurisdictions.

In accordance with Executive Order 12291, a determination has been made that this rule is not a major rule. In accordance with the Regulatory Flexibility Act, a determination has been made that this rule, if implemented without adequate notice, could result in lead shot ammunition supplies for which there would be no local demand. Conversely, nontoxic shot zones could conceivably be established where little or no nontoxic shot ammunition would be available to hunters. The Service believes, however, that adequate notice has been provided and that sufficient supplies of nontoxic shot ammunition will be available to hunters. Therefore, this rule would not have a significant economic effect on a substantial number of small entities.

Paperwork Reduction Act

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), a Final Environmental Statement (FES) on the use of steel shot for hunting waterfowl in the United States was published in 1976. As stated above, a supplement to the FES was completed in June 1986. In this supplement, pursuant to the Endangered Species Act, a "section 7" consultation was done on the potential impacts of the provisions of this rule on bald eagles. The "section 7" opinion concluded that implementation of the preferred alternative would not be likely to jeopardize the continued existence of the bald eagle. Also, a "section 7" opinion has concluded that the action being carried out is not likely to jeopardize the continued existence of the Aleutian Canada goose.

TABLE 1.—COUNTIES PROPOSED (AT 53 FR 45296) TO BE ADDED IN 1989-90 TO THE EXISTING ZONES WHERE THE HUNTING OF WATERFOWL, COOT AND CERTAIN OTHER SPECIES IS LIMITED TO THE USE OF NONTOTOXIC SHOT¹

State and County	
Alabama	
Jackson	Madison
Arkansas	
Crawford	Savvier
Green	St. Francis
Jackson	White
Mississippi	Yell
Randolph	
California	
Fresno	Santa Clara
Napa	Siskiyou
Florida	
St. Johns	
Georgia	
Dougherty	McIntosh
Idaho	
Bannock	
Illinois	
Franklin	Pike
Peoria	Rock Island
Indiana	
All lands and waters of all counties of the State.	
Kansas	
Cherokee	Pratt
Crawford	Reno
Kentucky	
Caldwell	Lyon
Hopkins	Union
Louisiana	
Bienville	Sabine
Catahoula	St. Landry
Concordia	St. Martin
Franklin	Union
Grant	
Maryland	
Anne Arundel	St. Marys
Calvert	Wicomico
Harford	
Michigan	
All lands and waters of all counties of the State.	
New Hampshire	
Rockingham	Strafford

New Jersey	
Burlington	Mercer
Gloucester	
North Carolina	
New Hanover	
North Dakota	
Benson	Richland
Dickey	Steele
Kidder	Stutsman
McLean	Ward
Renville	

Ohio	
Summit	
Oklahoma	
Comanche	Muskogee
Johnston	Sequoyah
McIntosh	Wagoner
Marshall	

Oregon	
Benton	Tillamook
Clatsop	

South Carolina
All lands and waters of all counties of the State.

Tennessee	
Crockett	Meigs
Franklin	Stewart
Lauderdale	

Texas	
Baylor	Hopkins
Brazos	Marion
Comanche	Trinity
Grayson	Willacy

Utah	
Box Elder	

Virginia	
King William	Northumberland
Mathews	Westmoreland
Middlesex	

Washington	
Snohomish	

¹Counties listed are taken from the Final Supplemental Environmental Impact Statement on the Use of Lead Shot for Hunting Migratory Birds in the United States, Appendix N. Counties listed are those that have 10 or more waterfowl harvested per square mile, as referenced by Carney et al. 1983 (Distribution of waterfowl species harvested in States and counties during 1971-80 hunting seasons. U.S. Fish and Wildlife Service, Spec. Sci. Rpt.—Wildl. No. 254, Washington, D.C.). "Certain other species" refers to those species, other than waterfowl or coots, that are affected by reason of being included in aggregate bag limits and concurrent seasons. Differences between this Table and the Appendix N schedule reflect changes initiated by the States to accelerate county nontoxic shot conversions.

Authorship

The primary author of this final rule is Dr. Keith A. Morehouse, Office of Migratory Bird Management.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Accordingly, Part 20, Subchapter B, Chapter I of Title 50 of the *Code of Federal Regulations* is amended as follows:

PART 20—[AMENDED]

1. The authority citation for Part 20 continues to read as follows:

Authority: Migratory Bird Treaty Act, sec. 3, Pub. L. 85-186, 40 Stat. 755 (16 U.S.C. 701-708h); sec. 3(h), Pub. L. 95-616, 92 Stat. 3112 (16 U.S.C. 712).

2. Section 20.108 is revised to read as follows:

§ 20.108 Nontoxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as nontoxic shot zones for hunting waterfowl, coots and certain other species.

Atlantic Flyway

Connecticut

All lands and waters within the State of Connecticut have been designated for nontoxic shot use.

Delaware

1. Kent and New Castle Counties.
2. All State and/or Federally owned property within the following areas of Sussex County:
 - A. Assawoman, Gordon's Pond and Prime Hook State Wildlife Areas.
 - B. Cape Henlopen and Delaware Seashores State Parks.
 - C. Prime Hook National Wildlife Refuge.

Florida

1. Brevard, Broward, Citrus, Collier, Dade, Leon, Osceola, Polk, St. Johns and Volusia Counties.
2. Those portions of Gadsden and Liberty Counties, adjacent to Leon County, that include the floodplains of Lake Talquin and the Ochlockonee River.
3. That portion of Lake Miccosukee in Jefferson County.

4. Orange Lake and Lochloosa Lake in Alachua County.

5. The area lying lakeward of and bounded by the Lake Okeechobee levee, by the State Road 78, Kissimmee River bridge, and by State Road 78 from its intersection with the Lake Okeechobee levee at points near Lakeport and the Old Sportsman's Village site.

6. That portion of Glades County outside of the area described in No. 5 above.

7. Occidental Wildlife Management Area, as well as all of the Occidental Chemical Company phosphate pits east of US 41, south of State Road 6, west of State Road 135 and north of White Springs, all in Township 1 north, Ranges 15 and 16 east in Hamilton County comprising approximately 35,000 acres.

8. That area formerly known as the M-K Ranch public waterfowl area in Gulf County.

9. Hickory Mound Impoundment within the Aucilla Wildlife Management Area in Taylor County.

10. That portion of Everglades Conservation Area 2 in Palm Beach County.

11. That portion of Lake George lying in Putnam County.

12. That portion of the St. Johns River floodplain lying in Lake, Seminole and Orange Counties.

13. That portion of Lake Rousseau lying in Levy and Marion Counties.

14. Lake Harbor public waterfowl hunting area in Palm Beach County.

15. Chassahowitzka Wildlife Management Area in Hernando County, and the State waters of the Gulf of Mexico in Hernando County north of Raccoon Point designated by posted signs.

16. Chassahowitzka, Lower Suwannee, Merritt Island and Loxahatchee National Wildlife Refuges.

Georgia

1. Dougherty and McIntosh Counties.

2. The managed waterfowl impoundments on Fishing Creek, Oconee and West Point Wildlife Management Areas and Lake Juliette on Rum Creek Wildlife Management Area. These Wildlife Management Areas are in Lincoln; Putnam; Heard and Troop; and Monroe Counties, respectively.

3. Eufaula and Savannah National Wildlife Refuges.

Maine

All lands and waters within the State of Maine have been designated for nontoxic shot use.

Maryland

1. Anne Arundel, Calvert, Cecil, Dorchester, Harford, Kent, Queen Annes, Somerset, St. Marys, Talbot, Wicomico and Worcester Counties.

Massachusetts

All lands and waters within the State of Massachusetts have been designated for nontoxic shot use.

New Hampshire

All lands and waters within the State of New Hampshire have been designated for nontoxic shot use.

New Jersey

1. Atlantic, Burlington, Cape May, Cumberland, Gloucester, Hudson, Mercer, Middlesex, Monmouth, Ocean and Salem Counties, and any adjacent State-owned tidal waters.

New York

All lands and waters within the State of New York have been designated for nontoxic shot use.

North Carolina

1. Beaufort, Currituck, New Hanover, Pamlico and Washington Counties.

2. New Hope Game Land, Butner-Falls of Neuse Game Land and posted waterfowl impoundments on other game lands.

3. Cape Hatteras National Seashore Recreation Area.

4. Cedar Island, Mattamuskeet and Swanquarter National Wildlife Refuges.

Pennsylvania

All lands and waters within the State of Pennsylvania have been designated for nontoxic shot use.

Rhode Island

All lands and waters within the State of Rhode Island have been designated for nontoxic shot use.

South Carolina

All lands and waters within the State of South Carolina have been designated for nontoxic shot use.

Vermont

1. Franklin and Grand Isle Counties.

2. Missisquoi National Wildlife Refuge.

Virginia

1. Counties of Accomack, Charles City, Gloucester, James City, King William, Mathews, Middlesex, New Kent, Northumberland, Westmoreland and York.

2. Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg.

Mississippi Flyway

Alabama

1. Jackson, Limestone and Madison Counties.

2. Eufaula National Wildlife Refuge.

Arkansas

1. Arkansas, Ashley, Clay, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Green, Jackson, Jefferson, LaFayette, Lawrence, Lincoln, Little River, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, White, Woodruff and Yell Counties.

2. Lake Dardanelle and Millwood Lake Wildlife Management Areas.

3. Felsenthal National Wildlife Refuge.

Illinois

1. Mississippi River and adjacent areas in the following counties BORDERED BY the roads and/or lines indicated as follows: All of Alexander, Calhoun, Carroll, Henderson, Jackson, Jersey, Pike, Rock Island and Union Counties; Adams County—IL-96 (Lima),

County Hwy-41, County Hwy-7, County Hwy-8 and Lock and Dam 20. (The Mark Twain NWR, Bear Creek Unit is also a nontoxic shot zone); Hancock County—(Dallas City), IL-9/96, IL-96/US 136 and IL-96; Henry County—I-80 and I-74/280; Jo Daviess County—IL-35 (East Dubuque), US 20, IL-84/US 20 and IL-84; Mercer County—Railroad bridge (Keithsburg), County Hwy-16 and County Hwy-25; and Whiteside County—IL-84 (north), IL-136/Fulton Road, County Hwy-21/Frog Pond Road, Garden Plain Road, County Hwy-21/Sand Road and IL-5.

2. Illinois River and adjacent areas in the following counties BORDERED BY the roads and/or lines indicated as follows: All of Calhoun, Cass, Fulton, Jersey, Marshall, Mason, Peoria, Pike, Putnam and Woodford Counties; Brown County—County Hwy-3/FAS-582, FAS-582, County Hwy-12 and IL-99; Bureau County—IL-89 (Spring Valley), IL-6/89, IL-29, and IL-26/29 and IL-29; Greene County—Kampsville Ferry route, IL-108 and FAP-155 (south); Morgan County—IL-104 (Meredosia) and IL-100/US 67; Schuyler County—IL-100 (Bluff City), IL-103 and County Hwy-9; and Tazewell County—IL-26, IL-116, IL-116/US 150, IL-8/116, IL-29, IL-9/29, IL-29, FAS-461 and County Hwy-16.

3. Southern Goose Quota Zone: All of Alexander, Jackson, Union and Williamson Counties.

4. Rend Lake Goose Quota Zone: All of Franklin and Jefferson Counties.

5. Other Areas: All of Bond, Clinton, Fayette, Kane, Lake and McHenry Counties.

Indiana

All lands and waters within the State of Indiana have been designated for nontoxic shot use.

Iowa

All lands and waters within the State of Iowa have been designated for nontoxic shot use.

Kentucky

Western Zone. That area of western Kentucky west of an eastern boundary described by the lines and/or roads as follows: The Purchase Parkway from Fulton, Kentucky, on the Kentucky-Tennessee border northeast to the Interstate 24—Purchase Parkway junction; northeast on I-24 to the Lyon County line; then on a line including all of Lyon, Caldwell and Hopkins Counties to Fredonia; north from Fredonia on US 641 to US 60 at Marion; north on US 60 to the Union County line; northeast and north along the Union County line to the Union County line—US 60 junction; north on US 60 to the US 60—US 41 junction and north on US 41 to the Indiana-Kentucky border near Henderson, Kentucky.

Louisiana

1. Acadia, Assumption, Avoyelles, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Concordia, Evangeline, Franklin, Grant, Iberia, Jefferson, Jefferson Davis, LaFourche, LaSalle, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. James, St. John the

Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Terrebonne, Union and Vermillion Parishes.

Michigan

All lands and waters within the State of Michigan have been designated for nontoxic shot use.

Minnesota

All lands and waters within the State of Minnesota have been designated for nontoxic shot use.

Mississippi

All lands and waters within the State of Mississippi have been designated for nontoxic shot use.

Missouri

All lands and waters within the State of Missouri have been designated for nontoxic shot use.

Ohio

1. Ashtabula, Cuyahoga, Erie, Holmes, Lake, Lorain, Lucas, Ottawa, Sandusky, Summit, Trumbull, Wayne and Wood Counties.

Tennessee

1. Benton, Crockett, Dyer, Franklin, Jefferson, Lake, Lauderdale, Meigs, Obion, Shelby, Stewart and Tipton Counties.
2. Hatchie National Wildlife Refuge.

Wisconsin

All lands and waters within the State of Wisconsin have been designated for nontoxic shot use.

Central Flyway

Colorado

1. Alamosa, Boulder, Conejos, Costilla, Morgan, Rio Grande and Weld Counties.
2. Hinsdale, Mineral and Saguache Counties east of the Continental Divide.
3. Turk's Pond portion of Baca County.

Kansas

1. Barton, Cherokee, Coffey, Cowley, Crawford, Doniphan, Ellsworth, Jefferson, Linn, Mitchell, Montgomery, Neosho, Pratt, Reno and Stafford Counties.
2. All areas administered by the Kansas Department of Wildlife and Parks, U.S. Army Corps of Engineers and U.S. Bureau of Reclamation, including those within the boundaries of the above counties.
3. Kirwin Reservoir.
4. Kirwin and Quivira National Wildlife Refuges.

Montana

All land and waters within the State of Montana have been designated for nontoxic shot use.

Nebraska

All lands and waters within the State of Nebraska have been designated for nontoxic shot use.

New Mexico

All lands and waters within the State of New Mexico have been designated for nontoxic shot use.

North Dakota

All lands and waters within the State of North Dakota have been designated for nontoxic shot use.

Oklahoma

1. That area described as follows: South on US 77 from the Kansas border to US 177; US 177 south to State Highway 15; State Highway 15 east to State Highway 18; State Highway 18 south to US 64; US 64 east to State Highway 99; State Highway 99 south to State Highway 51; State Highway 51 east to State Highway 97; State Highway 97 north to its junction with unnamed county roadway; northward on the county roadway to its junction with State Highway 20; State Highway 20 west to State Highway 18; and State Highway 18 north to the Kansas border.

2. All of Wagoner County, and those portions of Ft. Gibson Lake and all adjoining Federal land in Cherokee County and Mayes County to the Lake Hudson Dam. All of Muskogee, Sequoyah and McIntosh Counties. Those portions of Pittsburg, Latimer, Haskell and LeFlore Counties bounded on the west by the Indian Nation Turnpike; then south on Indian Nation Turnpike to US 270, US 270 east to State Highway 2, State Highway 2 north to State Highway 31, State Highway 31 west to State Highway 71, State Highway 71 north to State Highway 9, State Highway 9 to State Highway 9A and State Highway 9A north and east to the Arkansas border. That portion of Okmulgee County bounded on the west by the Indian Nation Turnpike north to US Highway 82, north to US Highway 266 and US Highway 266 northeast to the McIntosh County line.

3. All of Johnston and Marshall Counties. That portion of Love County adjoining Texoma Lake and the Red River and bounded on the west by Interstate 35 from the Texas border north to State Highway 32, then east on State Highway 32 to the Marshall County line. That portion of Bryan County adjoining Texoma Lake and the Red River and bounded on the north and east by State Highway 78 from the Texas border north and west to US Highway 75, US Highway 75 north to State Highway 78, State Highway 78 to State Highway 22 and State Highway 22 north to the Johnston County line.

4. All of Comanche County, and that portion of Ellsworth Lake and adjoining City of Lawton property in Caddo County.

5. All of Nowata County, and that portion of Oologah Reservoir and all adjoining public lands in Rogers County.

6. All state waterfowl/wetland areas, including:

- A. Copan
- B. Hajek Marsh
- C. Hugo
- D. Hulah
- E. Mt. Park
- F. Okmulgee
- G. Waurika
- H. Wister

7. Fort Cobb Lake and all adjoining Federal lands.

8. Salt Plains and Washita National Wildlife Refuges.

South Dakota

All lands and waters within the State of South Dakota have been designated for nontoxic shot use.

Texas

1. Baylor, Brazos, Comanche, Hopkins and Trinity Counties.

2. The area described within the roads and/or lines as follows: Beginning at the Louisiana State line; west along IH-10 to the Jefferson County line; north of IH-10 along the Jefferson County line to its junction with the Liberty County line; west, north, southwest and southeast along the Liberty County line to its junction with the Harris County line; (generally) west along the Harris County line to its junction with the Waller County line; (generally) north, west and south along the Harris County line to its intersection with State Highway 159; southwest along State Highway 159 to its intersection with the Colorado County line; northwest and southwest along the Colorado County line to its junction with IH-10 near Schulenberg; west along IH-10 to its junction with US 77 at Schulenberg; south and southwest along US 77 to its junction with the (north) Nueces County line at the Nueces River; (generally) northwest and south along the Nueces County line to its junction with US 77 near Kingsville; south on US 77 to its junction with the (north) Willacy County line; (generally) west, south and east on the (south) Willacy County line to its junction with US 77; south along US 77 to its junction with the US-Mexico international boundary at Brownsville; east along the US-Mexico international boundary to the Gulf of Mexico; east and seaward to the three marine league limit; northeast along the three marine league limit to the Louisiana State line; and north along the Texas-Louisiana State line to its junction with IH-10.

3. The area described within the roads and/or lines as follows: Beginning at the Oklahoma State line; south along I-35 to its junction with US 82 at Gainesville; east along US 82 to its junction with the Grayson County line; south, east and north to the junction of the Grayson County line and US 82; east along US 82 to its junction with State Highway 78 at Bonham; north along State Highway 78 to its junction with the Oklahoma State line; and west along the Oklahoma-Texas State line to its junction with I-35.

4. The area described within the roads and/or lines as follows: Beginning at the Louisiana State line; west along the (north) Marion County line to its junction with State Highway 49 near Avinger; northwest on State Highway 49 to its junction with US 259 at Daingerfield; south along US 259 to its junction with State Highway 450 at Ore City; east on State Highway 450 to its junction with State Highway 154 at Harleton; southeast along State Highway 154 to its junction with US 80 at Marshall; east along US 80 to its junction with State Highway 43; northeast along State Highway 43 to its junction with FM 2682 at Karnack; east along FM 2682 to its junction with FM 134; south along FM 134 to its junction with FM 1999 at Leigh; east along FM 1999 to its junction with the Louisiana

State line; and north along the Louisiana-Texas border to its junction with State Highway 49.

5. The area described within the roads and/or lines as follows: Beginning at the junction of State Highway 31 and FM 2661; west along State Highway 31 to its junction with US 175 at Athens; northwest along US 175 to its junction with FM 90; north along FM 90 to its junction with FM 1391; west along FM 1391 to its junction with US 175 at Kemp; south along US 175 to its junction with State Highway 274; south along State Highway 274 to its junction with State Highway 31 at Trinidad; east along State Highway 31 to its junction with FM 3441 at Malakoff; south along FM 3441 to its junction with FM 59 at Cross Roads; south along FM 59 to its junction with US 287 at Cayuga; southeast along US 287 to its junction with FM 860; north along FM 860 to its junction with FM 837; northeast along FM 837 to its junction with US 175 at Frankston; east along US 175 to its junction with FM 855; north along FM 855 to its junction with FM 346; north along FM 346 to its junction with FM 344; north along FM 344 to its junction with FM 2661; and north along FM 2661 to its junction with State Highway 31.

Wyoming

1. Big Horn County: Along and within one mile either side of the waterline of the Big Horn River, Yellowtail Reservoir, Shoshone River, Nowood River and portions of Medicine Lodge Creek and Paintrock Creek where they flow into the Nowood River, beginning from their confluence to where they flow from the mountains.

2. Goshen County:

A. North Platte River/Laramie River—Beginning where US 25 crosses the Wyoming-Nebraska State line; south along said State line to Goshen County Road No. 7-108; west along said road to Wyoming Highway 92; west, then north along said highway to US 85; north along said highway to Wyoming Highway 158; west and north along said highway to Goshen County Road No. 7-62; west along said road to the Fort Laramie Canal Road; northwest along said road to Goshen County Road No. 7-48; southwest along said road to the Goshen-Platte County line; north along said line to US 28; and southeast along said highway to the point of beginning.

B. Table Mountain—Beginning where Wyoming Highway 92 intersects Wyoming Highway 158; south along said highway to Goshen County Road No. 7-171; west along said road to the Fort Laramie Canal Road; northwesterly along said road to Goshen County Road No. 7-160; east along said road to Goshen County Road No. 7-166; north along said road to Goshen County Road No. 7-114; east along said road to Wyoming Highway 92; and east along said highway to the point of beginning.

Pacific Flyway

Arizona

1. Game Management Unit 5B, Upper Lake Mary, Lower Lake Mary and Mormon Lake.
2. Hopi Indian Reservation lands in Coconino and Navajo Counties.

3. Navajo Indian Reservation lands in Apache, Coconino and Navajo Counties.
4. Cibola National Wildlife Refuge.

California

1. Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Imperial, Marin, Merced, Napa, Sacramento, San Joaquin, Santa Clara, Solano, Stanislaus, Sutter, Yolo and Yuba Counties.

2. Northeastern Zone. Those portions of Lassen, Plumas, Shasta, Sierra, Siskiyou and Tehama Counties, and all of Modoc County, bounded by the following line: Beginning at I-5 at the Oregon border, south on I-5 to State Highway 89, and southeast on State Highway 89 to State Highway 70, and east on State Highway 70 to US 395, and south on US 395 to the Nevada border.

3. Siskiyou County south of State highway 89 and west of I-5.

Colorado

1. Montrose County.

Idaho

1. Panhandle Zone. All of Benewah, Bonner, Boundary and Kootenai Counties.

2. Southwestern Zone. Canyon and Payette Counties north and east of I-84, and those portions of Ada, Canyon, Elmore, Owyhee and Payette Counties within the following boundary: Beginning at the intersection of I-84 Business Highway junction at Cold Springs Creek east of Hammett, then northwest on I-84 to the Idaho-Oregon State line, then south along the Idaho-Oregon State line to State Highway 19, then east on State Highway 19 to US 95 near Homedale, then south and east on US 95 to State Highway 55 west of Marsing, then east on State Highway 55 to State Highway 78 at Marsing, then southeast on State Highway 78 to I-84 Business Highway at Hammett, then east on I-84 Business Highway to I-84 at Cold Springs Creek, the point of beginning.

3. South Central Zone. All of Gooding County, and that portion of Twin Falls County that is west of the Gooding County-Jerome County-Twin Falls County junction and within 600 feet of the high water line of the Snake River.

4. Southeastern Zone.

A. All lands within the Fort Hall Indian Reservation boundary;

B. All of Jefferson County; and that portion of Bannock County not included in the boundaries described in C. below; and

C. Those portions of Bannock, Bingham, Bonneville, Caribou, Cassia, Madison and Power Counties within the following boundary: Beginning at the Interstate 15-Jefferson County intersection (north of Idaho Falls), then south and southwest on I-15 to State Highway 39 near Blackfoot, then southwest on State Highway 39 to the road to the Idaho Department of Fish and Game's American Falls Fish Hatchery (approximately one-quarter mile west of American Falls Dam), then south on the hatchery road to the Union Pacific Railroad tracks, then southwest on the Union Pacific Railroad tracks to the Blaine County line, then south on the Blaine County line to its junction with the Cassia County line, then west on the Cassia County line to the Snake River-Raft River confluence, then upstream on the Raft River to I-86, then

northeast on I-86 to I-15, then north on I-15 to US 91 (Old Yellowstone Highway) near Blackfoot, then northeast on US 91 to its junction with State Highway 26 approximately five miles northeast of Shelly, then northeast on US 26 to the spot directly above the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then north across the South Fork of the Snake River to the Heise-Archer-Lyman Road (Snake River Road), then northwest on the Heise-Archer-Lyman Road to US 191/20, then north on US 191/20 to the US 191/20-Jefferson County line, and then west on the southern boundary of Jefferson County to the point of beginning.

Montana

All lands and waters within the State of Montana have been designated for nontoxic shot use.

Nevada

1. Canvasback Gun Club in Churchill County.
2. Carson Lake (Greenhead Hunting Club) in Churchill County.
3. Humboldt Wildlife Management Area in Churchill and Pershing Counties.
4. Key Pittman Wildlife Management Area in Lincoln County.
5. Mason Valley Wildlife Management Area in Lyon County.
6. Overton Wildlife Management Area in Clark County.
7. Stillwater Wildlife Management Area in Churchill County.
8. Ruby Lake National Wildlife Refuge in White Pine and Elko Counties and Pahrnatag National Wildlife Refuge in Lincoln County.

New Mexico

All lands and waters within the State of New Mexico have been designated for nontoxic shot use.

Oregon

1. Benton, Clatsop, Columbia, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties.
2. Southcentral Zone—All of Klamath County, excluding Davis Lake, and that portion of Lake County lying west of Highway 395.
3. Malheur County Zone—That portion of Malheur County bounded by a line beginning at I-84 at the Oregon-Idaho State line, northwest on I-84 to State Highway 201, south on State Highway 201 to State Highway 19, east on State Highway 19 to the Oregon-Idaho State line and back to the point of origin.
4. Columbia Basin Zone—Those portions of Gilliam, Morrow and Umatilla Counties bounded by the following line: Beginning at the town of Arlington on I-84, east on I-84 to US 730, northeast on US 730 to the Oregon-Washington State border, and west along the Columbia River, Oregon-Washington border to point of origin.

Utah

1. Box Elder, Cache, Davis, Salt Lake, Utah and Weber Counties.

2. Navajo Indian Reservation lands in San Juan County.

Washington

1. All of Walla Walla County; those portions of Clallam, Snohomish and Thurston Counties not included in the Puget Sound Zone; and that portion of Pacific County not included in the Southwestern Zone.

2. Clark County, that portion north and/or east of State Highway 14 and I-5.

3. Franklin County, that portion east of State Highway 17.

4. Grant County, that portion east and/or south of State Highway 17 and US 2.

5. Skagit County, that portion east of I-5.

6. Southwestern Zone—Those portions of Skamania, Clark, Cowlitz, Wahkiakum, Grays Harbor and Pacific Counties south and west of the following line: Beginning at the Bonneville Dam, west on State Highway 14 to Vancouver, north on I-5 to Kelso, west on State Highway 4 to US 101, north on US 101 to Aberdeen, west on State Highway 109 to Ocean City, and due west to the Pacific Ocean.

7. Puget Sound Zone—Those portions of Whatcom, Skagit, San Juan, Island, Clallam, Jefferson, Kitsap, Mason, Thurston, Pierce, King and Snohomish Counties bounded by the following line: Beginning at I-5 on the Washington-British Columbia, Canada border, west, south and west along said border to a point due north of Neah Bay, due south to Neah Bay, east on State Highway 112 to US 101, east and south on US 101 to I-5, north on I-5 to State Highway 538 near Mt. Vernon, east on State Highway 112 to US 101, east and south on US 101 to I-5, north on I-5 to State Highway 538 near Mt. Vernon, east on State Highway 538 to State Highway 9, north on State Highway 9 to State Highway 20, west on State Highway 20 to I-5, and north on I-5 to point of origin.

8. Columbia Basin Zone—Those portions of Benton, Klickitat, Franklin, Adams, Grant, Yakima, Chelan, Kittitas, Douglas, Lincoln, Okanogan and Walla Walla Counties bounded by the following line: Beginning at the Washington-Oregon State border on the Celilo 1 ridge on US 97, north on US 97 to State Highway 14, east on State Highway 14

to US 395/I-82, north on US 395/I-82 (formerly a continuation of State Highway 14) to Kennewick, west on State Highway 240, north on State Highway 240 to State Highway 24, west on State Highway 24 to US 97, north on US 97 to State Highway 155 at Omak, east and south on State Highway 155 to State Highway 174 at Grand Coulee, southeast on State Highway 174 to US 2, west on US 2 to State Highway 17, south on State Highway 17 to US 395, south on US 395 to US 12, south on US 12 and US 730 to the Oregon border (including the entire McNary National Wildlife Refuge), and west along the Columbia River and the Washington-Oregon border to the point of origin.

Date: March 14, 1989.

Becky Norton Dunlop,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89-8651 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 54, No. 70

Thursday, April 13, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1930 and 1944

Farm Labor Housing Loan and Grant Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its Farm Labor Housing Loan and Grant Regulations. The intended effect is to provide the opportunity for retired or disabled farm laborers to occupy housing financed under the Farm Labor Housing program if not needed by active farm laborers and to remove criteria related to type of employer from the definitions of farm labor. These revisions will bring the regulations into conformance with recent revisions to authorizing legislation for the farm labor housing programs (section 305 of the Housing and Community Development Act of 1987 (Pub. L. 100-242) and section 1043 of the Omnibus McKinney Homeless Assistance Act of 1988 (Pub. L. 100-628)).

DATE: Comments must be received on or before June 12, 1989.

ADDRESSES: Submit written comments in duplicate to the office of the Chief, Directives and Forms Management Branch, Farmers Home Administration Room 6348, South Agriculture Building, Washington, DC 20250. All comments made pursuant to this notice will be available for public inspection at the above address. The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, attention: Desk Officer for the Farmers Home Administration, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

John H. Pentecost, Chief, Special Authorities Branch, Multi-family Housing Processing Division, FmHA, USDA, Washington, DC 20250, Telephone (202) 382-1606 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined "Non major." It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions, or significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an environmental impact statement is not required.

This program/activity is listed in the Catalog of Federal Domestic Assistance under numbers 10.405, Farm Labor Housing Loans and Grants, and 10.427, Rural Rental Assistance Payments (Rental Assistance), and are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983).

The Acting Administrator has determined that the proposed action will not have a significant economic impact on a substantial number of small entities because it contains normal business recordkeeping requirements and minimal essential reporting requirements. The proposed action will only affect a small number of rural communities.

General Information

This proposed rule incorporates the provisions of section 305 of the Housing and Community Development Act of 1987 that revised the definition of Domestic Farm Labor to include persons and/or their families who are retired or disabled and were farm laborers at the time of retirement or being disabled. In addition, the amendment gives such retired or disabled farm laborers priority for occupancy of housing financed under the farm labor housing program immediately after active farm laborers. Those retiring or having been disabled in the local farm market area would have priority over those from outside the farm market area.

FmHA seeks specific public comments on the definitions of "retired" and "disabled." The Agency recognizes that the on-site project manager will be called upon to decide each applicant's eligibility for occupancy. Therefore, FmHA guidelines need to be easily applied by such manager. It is also FmHA's intention to meet the intent of the legislation and provide the housing opportunity where warranted without overly-rigorous qualifying procedures. Therefore, the agency proposes somewhat broad definitions of "retired" and "disabled."

Both definitions have common elements. Prospective tenant's income, based on previous 12 months, may not exceed HUD/FmHA moderate income limits for the area in which the housing complex is located. In addition, the persons and/or their families must be able to document that they have met the definition of domestic farm labor for the preceding five years or the majority of the past ten years.

From this base, FmHA proposes to qualify "retired" farmworkers at age 55. FmHA believes that setting age 55 for "retirement" from farm labor recognizes that farm labor is physically demanding. The Agency also believes that establishing the last five years or majority of the last ten as a minimum employment period as a farm laborer is adequate to demonstrate eligibility.

In defining "disabled," the Agency references in part to Title II of the Housing Act of 1959 and the definition for the section 202 elderly housing loan program. For purposes of this program, "disabled" is similar to "handicapped" in that the person is determined to have

an impairment which is expected to be of long-continued and indefinite duration. However, FmHA proposes to replace the "substantially impedes the person's ability to live independently" with "substantially impedes the person's ability to earn a livelihood from farm labor" in light of the program's mandate to serve disabled farm laborers. FmHA proposes that such disability be certified by a licensed physician.

Also pursuant to the section 305 amendments, FmHA proposes to drop all restrictions on farm labor eligibility by references to a specific employer, permitting eligibility by all domestic farm laborers employed in primary production activities or in activities involving handling of unprocessed agricultural products. Independent contractors engaged in agricultural activities are still proposed to be ineligible occupants.

Finally, the proposed rule incorporates section 1043 of the Omnibus McKinney Homeless Assistance Act of 1988 which also provides occupancy options for housing financed under the farm labor housing program. That amendment permits the use of such housing for tenants eligible for rural rental housing (financed under section 515 of the Housing Act of 1949) in the absence of demand for its use by farm laborers, either active, retired or disabled. FmHA views this amendment as an effective servicing tool for LH projects facing increasing vacancies in areas with diminishing demand for domestic farm laborers. As such, it is a "last resort" mechanism. Therefore, upon FmHA's concurrence with a borrower's determination that there is a diminished demand for housing for domestic farm laborers, prospective tenants eligible under FmHA's rural rental housing program may be determined eligible regardless of occupation. However, since the project is not "converted" to RRH, any domestic farm laborer who applies for occupancy will be provided first priority for occupancy of any future available units.

All eligible tenants certify their income annually for eligibility and continued occupancy under FmHA's management procedures contained in 7 CFR Part 1930, Subpart C. Therefore, once admitted as an eligible tenant and as long as the person or family remains income eligible, the person or family will be permitted to continue occupancy.

The conforming changes to FmHA's regulation "Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients" (7 CFR Part 1930, Subpart C) are provided as part of the proposed rule. Generally the changes provide cross-references back

to the Farm Labor Housing regulations and do not attempt to duplicate the language in full. However, readers are advised that a "Disabled Domestic Farm Laborer" is defined under the proposed rule for the Farm Labor Housing program and is differently defined in connection with "handicapped" and "disabled" for other FmHA programs. As noted above, comments are invited on the adequacy and clarity of the definition as proposed herein.

FmHA considers these amendments beneficial to full use of the labor housing program. Currently, the regulations provide only that retired or disabled farm laborers residing in the housing units at the time of retirement or disability may continue to occupy their unit. Further, our current regulations stipulate that, when farm labor housing is not needed for local active farm laborers, it may be occupied on a month-to-month basis by non-farm laborers under a waiver/exception policy. These amendments now enable the agency to permit the housing to be used by former farm laborers, whether they are currently occupying the unit or not, and permit the use of the housing by non-farm-laborers when there is a diminished need for housing by farm laborers. In all such cases, it is the policy of FmHA to administer the program affirmatively so eligible persons and/or their families have choices available to them regardless of their race, color, religion, sex, marital status, age, handicap or national origin.

The proposed revisions will also promote full occupancy of FmHA financed farm labor housing and enable such facilities to maintain economic viability, lessen possible vandalism of vacant units, and reduce the long-term subsidy costs. FmHA does not interpret the law as mandating any changes in assessing demand for farm labor housing to include retired or disabled farm laborers. Therefore, only local need for farm laborers will be considered in determining demand and need for a proposed LH facility.

List of Subjects

7 CFR Part 1930

Accounting, Administrative practice and procedure, Grant programs—Housing and community development, Loan programs—Housing and community development, Low and moderate income housing—Rental, and Reporting requirements.

7 CFR Part 1944

Farm labor housing, Migrant labor, Nonprofit organizations, Public housing, Rent subsidies, and Rural housing.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is proposed to be amended as follows:

PART 1930—GENERAL

1. The authority citation for Part 1930 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

2. Exhibit B of Subpart C is amended by revising paragraphs VI B 1 g, VI B 1 n, VI B 5 b and VII C 1; and by adding paragraphs VI C 3 g, VI D 2 f, and VI E 5 to read as follows:

Exhibit B of Subpart C—Multiple Housing Management Handbook

VI. Renting Procedure

B. * * *

1. * * *

g. In LH projects designed and operated either for year-round or seasonal occupancy, eligibility is established in Subpart D of Part 1944 of this chapter.

* * * * *

n. A domestic farm laborer may continue occupancy of a LH project after retirement (having reached age 55) or after becoming disabled (determined to have an impairment which is expected to be of long-continued and indefinite duration and substantially impedes the person's ability to earn a livelihood from farm labor (as certified by a licensed physician)).

* * * * *

5. * * *

b. Tenants in LH projects who no longer meet the farm labor occupation requirements, and who are neither retired nor disabled domestic farm laborers, are considered to be "formerly eligible tenants" as long as a need for housing for domestic farm laborers exist in the project's farm market area.

* * * * *

C. * * *

3. * * *

g. In LH projects, lists should be maintained in accordance with the priorities of initial occupancy established by § 1944.154 of Subpart D of Part 1944 of this chapter.

* * * * *

D. * * *

2. * * *

f. For retired or disabled domestic farm labor applicants, information to meet the definition requirements of § 1944.153(b) of Subpart D of Part 1944 of this chapter.

* * * * *

E. * * *

5. In LH projects, paragraphs VI E 1 and 2 of this exhibit do not apply. The priorities for tenant's initial occupancy established by § 1944.154 of Subpart D of Part 1944 of this chapter and the processes mandated by

paragraphs VI E 3 and 4 of this exhibit will be used. However, when FmHA concurs with the LH borrower's determination that there is a diminished need for housing for domestic farm laborers, all the provisions of this paragraph are applicable to initial occupancy by applicants eligible only under the RRH program.

* * * * *

VII. Verification and Certification of Tenant Income and/or Employment

* * * * *

C. * * *

1. Verification of income is required for all occupants of LH projects. When tenants do not have easily verifiable income, the borrower may project monthly income expected to be received by the tenant during occupancy for determining eligibility and subsidy assistance.

* * * * *

PART 1944—HOUSING

3. The authority citation for Part 1944 continue to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

4. Section 1944.152 is revised to read as follows:

§ 1944.152 Objective.

The basic objective of the Farmers Home Administration (FmHA) in making domestic Farm Labor Housing (LH) loans is to provide decent, safe, and sanitary housing for domestic farm labor to be located in areas where a need for farm labor exists and in making LH grants where there is a pressing need for such facilities in the area for farm laborers and there is a reasonable doubt that the housing can be provided without the grant assistance.

5. Section 1944.153 is amended by redesignating current paragraphs (b) through (bb) as (d) through (dd), by removing newly designated paragraph (dd)(2) and redesignating (dd)(3) and (4) as (dd)(2) and (3), by revising paragraph (a), and by adding new paragraphs (b) and (c) to read as follows:

§ 1944.153 [Amended]

* * * * *

(a) *Domestic farm laborer.* An employed person (not self-employed) who receives a substantial portion of his or her income performing farm labor in the United States, Puerto Rico, or the Virgin Islands and either is a citizen of the United States or resides in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence. This definition

may include the immediate family of such person.

(b) *Retired or disabled domestic farm laborer.* A "retired domestic farm laborer" is a person who is at least 55 years of age and who has spent the last five years prior to retirement as a domestic farm laborer or spent the majority of the last ten years prior to retirement as a domestic farm laborer. A "disabled domestic farm laborer" is a person who is determined to have an impairment which is expected to be of long-continued and indefinite duration and substantially impedes the person's ability to earn a livelihood from farm labor (as certified by a licensed physician) and who has spent the last five years prior to disability as a domestic farm laborer or spent the majority of the last ten years prior to disability as a domestic farm laborer.

(c) *Farm labor.* For purposes of this subpart, farm labor includes services in connection with cultivating the soil, raising or harvesting an agriculture or aquaculture commodity; or in handling, plant drying, packing, grading, storing, or delivering to storage, market, or a carrier for transportation to market or to processing, any agricultural or aquacultural commodity in its unmanufactured state. Farm Labor does not include services in connection with commercial canning or freezing or in connection with any agricultural or aquacultural commodity after its delivery to a terminal market for distribution for consumption.

* * * * *

§ 1944.155 [Redesignated from § 1944.154]

6. Section 1944.154 is redesignated as § 1944.155 and a new § 1944.154 is added to read as follows:

§ 1944.154 Priorities for tenants' initial occupancy.

(a) Initial occupancy in labor housing is prioritized in the following order:

(1) First priority is to be given to farm laborer households based upon percent of total earnings from farm labor in the following ranked categories: 71 to 100 percent; 51 to 70 percent; 26 to 50 percent; and less than 25 percent.

(2) Second priority is to be given to retired or disabled farm laborer households who were in the local farm market area at the time of retirement or becoming disabled.

(3) Third priority is to be given to other retired or disabled farm laborer households.

(b) Upon FmHA's concurrence with a borrower's determination that there is a diminished need for housing by persons or families in the above categories, such

units may be made available to persons or families eligible for occupancy under the section 515, Rural Rental Housing program until such time units are again needed by families eligible under paragraphs (a) (1), (2) or (3) of this section.

Date: March 20, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89-8776 Filed 4-12-89; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 111

Withdrawal of Proposed Customs Regulations Amendment Regarding Requirements for Maintaining Customs Brokers Licenses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposal to amend the Customs Regulations which would have required that all Customs brokers licensed after September 30, 1988, become qualified for the operational use of the Automated Broker Interface (ABI) portion of the Customs Automated Commercial System (ACS) within a reasonable time after the license is issued and to maintain such qualification. These brokers would have been required to transmit the entry data elements on imported merchandise to Customs through the aforementioned interface and system. The failure to meet such requirements would have served as a basis for revocation of the subject brokers licenses. It was noted that commercial necessity would eventually dictate adoption of the ACS/ABI data handling procedures throughout the trade. All Customs brokers and all non-broker entry filers would have been permitted to voluntarily adopt the procedures as soon as they were prepared to do so.

After consideration of the comments received in response to the proposed rule and statistics which showed a significant increase in the voluntary use of ABI, Customs has concluded that the continued voluntary use of ABI procedures should be permitted and encouraged.

DATE: Withdrawal effective April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Robert Stenstrom, Office of Automated Commercial Systems Operations (202-343-0780).

SUPPLEMENTARY INFORMATION:

Background

On July 28, 1988, Customs published a notice in the *Federal Register* (53 FR 28413), proposing to amend §§ 111.20 and 111.53, Customs Regulations (19 CFR 111.20 and 111.53), relating to the requirements for maintaining Customs brokers licenses.

The proposal would have required Customs brokers licensed after September 30, 1988, to become qualified for the operational use of ABI within a reasonable time after receiving a license and to maintain such qualification. These brokers would have been required to transmit the entry data elements on imported merchandise to Customs through the use of the Automated Broker Interface (ABI) portion of the Automated Commercial System (ACS). The failure to meet these requirements would have been a basis for license revocation.

Discussion

Twenty-two comments were received in response to the proposed rule. Commenters included Customs brokers and other members of the importing community. The majority of commenters opposed the proposal. They noted: technical difficulties and related costs; legal impediments; an adverse impact on small brokers; and that certain specialized brokers, e.g. those specializing in drawback, would not be currently served by ACS.

In addition, recently collated statistics showed that:

1. There were 988 ABI participants (671 fully operational) as of December 22, 1988 compared to 649 (288 fully operational) at the same time in 1987.
2. ABI accounted for 68% of the total entry activity for November, 1988, compared to only 42% of the previous November.
3. There was a 12.3% nationwide average increase in the number of brokers participating in ABI between May and December, 1988, with increases ranging from 8 to 15% per Customs region.

Conclusion

In accordance with the above discussion and in recognition of the continued voluntary adoption of ABI procedures, Customs now believes that the mandatory application of ABI is no longer necessary and that the continued voluntary adoption of ABI should be permitted and encouraged. Customs has

concluded that it is appropriate to let the market place govern this matter. Accordingly, the proposal to amend Part 111 of the Customs Regulations (19 CFR Part 111) is being withdrawn.

Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: April 7, 1989.

Salvatore R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 89-8803 Filed 4-12-89; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 1

[EE-159-86]

Permitted Disparity With Respect to Benefits and Contributions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the *Federal Register* publication for Tuesday, November 15, 1988, at 53 FR 45917 of the notice of proposed rulemaking. The proposed rules relate to the permitted disparity in employer contributions to, and employer-derived benefits under, qualified plans.

FOR FURTHER INFORMATION CONTACT: Contract Patricia McDermott, (202) 566-4747 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections provides the public with guidance needed to comply with the law and will affect employers maintaining employee retirement plans. These amendments are proposed to conform the regulations to section 1111 (a) and (b) of the Tax Reform Act of 1986 (Pub. L. 99-514) (TRA 1986) (100 stat. 2085, 2435).

As published, the notice of proposed rulemaking contains omitted lines and typographical errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed rules which was the subject of FR Doc. 88-26071, is corrected as follows:

§ 1.401 [Corrected]

1. On page 45928, second column, in § 1.401 (l)-3(b)(2)(iv), in the thirty-first line of the Example, the language "amount of the excess benefit percentage is" is removed and the language "amount by which the excess benefit percentage exceeds the base benefit percentage is" is added in its place.

2. On page 45933, second column, in § 1.401 (l)-3(d)(2), eleventh line, the language "this paragraph (d)(2). However, if a plan" is removed and the language "this paragraph (d)(2). However, with respect to a defined benefit offset plan not described in the preceding sentence, if a plan".

3. On page 45933, third column, in § 1.401 (l)-3(e)(1), fifth line, the language "paragraph (e)(3) of this section, with" is removed and the language "paragraph (e)(4) of this section, with".

4. On page 45936, third column, in § 1.401 (l)-3(g)(4), eighth line, the language "or in the maximum offset allowance." is added immediately following the language "in the maximum excess allowance".

5. On page 45938, first column, in § 1.401 (l)-3(i)(4), in the Example, line six, the language "up to covered compensation," is added immediately following the language "average annual compensation".

6. On page 45939, first column, in § 1.401 (l)-3(j)(4)(iii)(B)(1), fourth line, the word "percentage" is added immediately following the language "year exceeds the base contribution".

7. On page 45939, first column, in § 1.401 (l)-3(j)(4)(iii)(B)(2), fourth line, the word "percentage" is added immediately following the language "base contribution".

8. On page 45941, the second line of the second column, in § 1.401 (l)-3(l)(6), Example (2)(b), the word "and" is removed and the word "or" is added in its place.

9. On page 45941, second column, in § 1.401 (l)-3(l)(6), Example (3)(b), last line, the word "and" is removed and the word "or" is added in its place.

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 89-8664 Filed 4-12-89; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[Docket No. CGD5 89-15]

Safety Zone: Chesapeake Bay, Off Fort Story, Virginia Beach, VA**AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a safety zone around a U.S. Navy exercise off Fort Story in Virginia Beach, Virginia. The exercise is scheduled to begin May 5, 1989, and end May 13, 1989. The proposed safety zone is intended to minimize the risk of collision between Naval and other military vessels involved in the exercise and other vessels. The Captain of the Port may restrict access to the safety zone or close the safety zone to non-exercise vessels in the interest of safety if necessary. Vessels or individuals will be permitted to transit the safety zone in accordance with any Captain of the Port imposed restrictions, but anchoring, fishing, trawling, crabbing, dragging, diving, or otherwise loitering within the safety zone will be prohibited. In addition, all persons or vessels entering or operating within the safety zone will be required to immediately obey any direction or order of the Captain of the Port or his designated representative.

DATES: Comments must be received by April 28, 1989.

ADDRESSES: Comments should be mailed to Commanding Officer, U.S. Coast Guard Marine Safety Office, Hampton Roads, 200 Granby Street, Norfolk, Virginia 23510-1888. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal working hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) G.E. Magrane at the above address, telephone number (804) 441-3284.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 553 a notice of proposed rulemaking is not required for military operations. However, in the interest of public safety and due to the proximity of the exercise to commercial and pleasure vessel activity, a comment period is being provided. Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names

and addresses, identify this notice (CGD5 89-15), the specific section of the proposal to which their comments apply, and give the reasons for each comment. The regulations may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a public hearing are received and it is determined that the opportunity to make oral presentations will aid in the rulemaking process. The receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is provided.

Drafting Information

The drafters of this notice are Lieutenant (Junior Grade) G.E. Magrane, project officer, and Lieutenant Commander R.K. Kutz, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Proposed Regulations

The Coast Guard is proposing to establish a safety zone around a U.S. Navy exercise in the waters off Fort Story in Virginia Beach, Virginia, from May 5, 1989 to May 13, 1989. The safety zone is needed to minimize the risk of collision between Naval and military vessels involved in the exercise and other vessels. The Captain of the Port may restrict access to the safety zone or close the safety zone to non-exercise vessels in the interest of safety if necessary. The boundaries of the safety zone will be marked by special purpose buoys with flashing yellow lights. Vessels and individuals will be permitted to transit through the safety zone in accordance with any Captain of the Port imposed restrictions, but anchoring, fishing, trawling, crabbing, dragging, diving, or otherwise loitering within the safety zone will be prohibited. Persons and vessels within the safety zone will be required to immediately obey and carry out any orders or instructions given them by the Captain of the Port or his designated representative. Coast Guard patrol boats will be stationed along the boundary of the safety zone. Coast Guard patrol vessels will be on scene at all times while the safety zone is in effect to notify boaters of the zone restrictions and to enforce the safety zone. Coast Guard patrol vessels will be monitoring channels 13 and 16 VHF-FM. Members of other Federal, state, local, and private agencies may assist the Captain of the Port in enforcing these regulations.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart D of Part 165 of Title 33, Code of Federal Regulations, the Coast Guard proposes to amend as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T0515 is added to read as follows:

§ 165.T0515 Safety Zone: Chesapeake Bay, off Fort Story, Virginia Beach, Virginia.

(a) *Location.* The following area is a safety zone: The waters of the Chesapeake Bay bounded by the shoreline and a line connecting the following points:

Latitude	Longitude
36° 55' 52.0" N.	76° 02' 15.0" W.
36° 57' 07.0" N.	76° 03' 53.5" W.
36° 57' 29.0" N.	76° 03' 44.5" W.
36° 57' 11.5" N.	76° 02' 45.0" W.
36° 55' 55.5" N.	76° 01' 48.5" W.

(b) For the purposes of this section "Representative of the Captain of the Port" means a Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf with respect to this safety zone.

(c) *Regulations.* (1) Persons and vessels may transit the safety zone in accordance with any Captain of the Port imposed restrictions, but no person or vessel other than those participating in the U.S. Navy exercise may anchor, fish, trawl, crab, drag, dive, or otherwise loiter within the zone.

(2) The Captain of the Port may restrict access to or close the safety zone to non-exercise vessels if he deems it necessary in the interest of safety.

(3) All persons and vessels in the vicinity of the safety zone shall immediately obey any direction or order of the Captain of the Port or a representative of the Captain of the Port.

(d) *Effective Dates.* These regulations are effective from 5:00 a.m., May 5, 1989 to 11:59 p.m., May 13, 1989, unless

terminated sooner by the Captain of the Port, Hampton Roads, Virginia.

Dated: April 5, 1989.

G.N. Naccara,
Commander, U.S. Coast Guard, Captain of the
Port Hampton Roads.

[FR Doc. 89-8660 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 167

[CGD 89-019]

Traffic Separation Scheme; Galveston Bay Approach

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to adjust the Galveston Bay Approach Traffic Separation Scheme (TSS) by centering the separation zone within the existing TSS boundaries to accommodate a revised U.S. Army Corps of Engineers (COE) deep water channel dredging project. The adjustment will consist of shifting the separation zone to overlay the proposed channel along the center of the TSS, making the traffic lanes equal in width.

DATE: Comments must be received on or before May 30, 1989.

ADDRESSES: Comments should be mailed to Executive Secretary, Marine Safety Council (G-LRA-2/3600), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, U.S. Coast Guard, Room 3600, 2100 Second Street SW., Washington, DC 20593-0001, between the hours of 8 a.m. and 3:30 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: Margie G. Hegy, Project Manager, Office of Navigation Safety and Waterway Services, telephone (202) 267-0415 between 7:30 a.m. and 3:00 p.m. Monday through Friday.

SUPPLEMENTARY INFORMATION:

Request for Comments

The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 89-019, and give the reasons for the comment. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope.

All comments received before the expiration of the comment period will be

considered before final action is taken on this proposal. No public hearing is planned.

Drafting Information

The principle persons involved in drafting this proposed rulemaking are: LT(jg) J.D. Irino, Project Officer, Eighth Coast Guard District (oan), New Orleans, LA; Margie G. Hegy, Project Manager, Coast Guard Headquarters and Christene G. Green, Project Attorney, Office of Chief Counsel, Coast Guard Headquarters.

Background

The Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1223, authorizes the Secretary of the Department in which the Coast Guard is operating to establish traffic separation schemes (TSS) and shipping safety fairways, where necessary, to provide safe access routes for vessels proceeding to or from United States ports.

A TSS is an internationally recognized routing measure that minimizes the risk of collision by separating vessels into opposing streams of traffic through the establishment of traffic lanes. To be internationally recognized, a TSS must be approved by the International Maritime Organization (IMO). IMO approves TSS only if the proposed routing system complies with IMO principles and guidelines on ships routing. Vessel use of a TSS is voluntary; however, vessels operating in or near an IMO approved TSS are subject to Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

Regulatory History

The 1978 amendments to the PWSA required the Coast Guard to undertake a port access route study to determine the need for traffic separation schemes or shipping safety fairways to increase vessel traffic safety in offshore areas subject to the jurisdiction of the U.S. The Coast Guard initiated this study by publishing a Notice of Proposed Study on April 16, 1979 (44 FR 22543).

For the purposes of the port access route study, the U.S. coastline was divided into 32 geographically defined areas. Study area 21 included the Galveston area and was assigned to the Eighth Coast Guard District for study.

The study (Study Results published in October 1981, at 46 FR 49989), recommended that, because of severe traffic congestion and recent vessel casualties, two precautionary areas and a TSS be established to overlay the existing Galveston Entrance Safety Fairway. The Galveston Bay Approach Traffic Separation Scheme and

Precautionary Areas were proposed in June 1982 at 47 FR 26167. The TSS, consisting of inshore and offshore precautionary areas; inbound (northwesterly heading) and outbound (southeasterly heading) traffic lanes; and a separation zone, was adopted by IMO in June 1983 and became effective on January 1, 1984 (48 FR 36453, August 18, 1983). When this TSS was originally designed, the Coast Guard, considering developer plans to dredge a 600-foot wide, 55-foot deep channel through the fairway, located the 1000-foot separation zone over the proposed centerline of the deep draft channel. The centerline of the proposed channel was not centered in the TSS but was angled from slightly right of center at the shoreward end to almost a mile left of center at the seaward end. The existing separation zone in the TSS, therefore, is off-center, and the inbound traffic lane is slightly wider than the outbound traffic lane.

Discussion of Proposal

The COE notified the Coast Guard on March 31, 1987, that the deep water channel would be dredged along the centerline of the TSS, rather than along the off-centered course originally planned. In light of this change, the Coast Guard now proposes to shift the separation zone within the existing TSS boundaries to overlay the centerline of the proposed deep draft channel.

Shifting the separation zone will require no change in the location or outer boundaries of the TSS. It will affect only the inner boundaries of the traffic lanes. This shift will result in a more conventional TSS with the separation zone centered between two parallel traffic lanes which will be equal in width. Centering the separation zone in the TSS will increase the width of the outbound traffic lane resulting in more maneuvering room for vessels exiting the TSS and entering the intersecting safety fairway. The slight decrease in the width of the inbound traffic lane will have no effect on navigation safety.

IMO approval of this minor adjustment within an established TSS is not required. However, the Coast Guard will notify IMO of the adjustment prior to implementation.

Regulatory Evaluation

These regulatory changes are considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that further evaluation is

unnecessary. The Coast Guard certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

In accordance with section 2.B.2.c. of Commandant Instruction (COMDTINST) M16475.1B, this action has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation.

Federalism

This rulemaking has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the

preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 167

Navigation (water), Vessels, Traffic separation schemes.

In consideration of the foregoing, the Coast Guard proposes to amend Part 167.

PART 167—[AMENDED]

1. The authority citation for Part 167 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46.

2. Section 167.350 is amended by revising paragraph (b) to read as follows:

§ 167.350 Galveston Bay approach traffic separation scheme and precautionary areas.

(b) A traffic separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
(6) 29°17.25' N	94°35.75' W
(7) 29°09.55' N	94°25.82' W
(8) 29°09.41' N	94°25.95' W
(9) 29°17.10' N	94°35.75' W

Dated: March 24, 1989.

A.B. Smith,
Captain, U.S. Coast Guard, Acting Chief,
Office of Navigation Safety and Waterway
Services.

[FR Doc. 89-8659 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-14-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Business Development Center Applications: Boston, MA.

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at \$184,260 in Federal funds and a minimum of \$32,516 in non-Federal contributions for the budget period October 1, 1989 to September 30, 1990. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Boston, Massachusetts SMSA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority business. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of \$50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of \$500,000 or less and 35% of the total cost for firms with gross sales of over \$500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

CLOSING DATE: The closing date for applications is June 2, 1989. Applications must be postmarked on or before June 2, 1989.

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, Room 3720, New York, New York 10278, Telephone Number: (212) 264-3262.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director, New York Regional Office. (212) 264-3262.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive order 12372 "Intergovernmental Review of

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Thursday, April 13, 1989

Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address. A Pre-application Conference to assist all interested applicants will be held on May 5, 1989, from 10:00 a.m. to 3:00 p.m. in Boston, Mass., at Thomas P. O'Neill Federal Building, 10 Causeway Street, 2nd Floor Conference Room, No. 263. For information, please contact the MBDA Boston District Office at (617) 565-6850.

11.80 Minority Business Development (Catalog of Federal Domestic Assistance)

Gina A. Sanchez,
Regional Director, New York Regional Office.

Date: April 4, 1989.

[FR Doc. 89-8753 Filed 4-12-89; 8:45 am]

BILLING CODE 3510-21-M

National Institute of Standards and Technology

[Docket No. 90365-9065]

Proposed Revision of FIPS PUB 151, Posix; Portable Operating System Interface for Computer Environments

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Request for comments.

SUMMARY: The purpose of this notice is to announce the proposed revision of Federal Information Processing Standards Publication (FIPS PUB) 151, POSIX: Portable Operating System Interface for Computer Environments. This proposed revision to FIPS PUB 151 will adopt the IEEE Standard 1003.1-1988, Standard for Portable Operating System Interface for Computer Environments.

FIPS PUB 151, POSIX, was approved in September 1988 on an interim basis, pending completion of voluntary industry standards activities on the POSIX specifications. The Appendix discusses the additional elements needed for a vendor independent interface to operating systems and an architectural framework for applications portability.

Prior to the submission of this proposed revision to the Secretary of Commerce for review and approval, it is essential to assure that consideration is

given to the needs and views of manufacturers, the public, and State and Local governments. The purpose of this notice is to solicit such views.

This proposed revision contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice. Interested parties may obtain copies of the technical specifications (IEEE Std 1003.1-1988) from the IEEE Service Center, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855-1331, telephone 1-800-678-4333.

DATE: Comments on the proposed revision must be received on or before July 12, 1989.

ADDRESS: Written comments concerning the revision should be sent to: National Institute of Standards and Technology, ATTN: Revision of FIPS 151, Technology Building, Room B154, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Roger Martin, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-3295.

Raymond G. Kammer,
Acting Director.

Date: April 7, 1989.

Federal Information Processing Standards Publication 151-1 [Date]

Announcing the Standard for POSIX: Portable Operating System Interface for Computer Environments

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Pub. L. 100-235.

Name of Standard. POSIX: Portable Operating System Interface for Computer Environments.

Category of Standard. Software Standard, Operating Systems.

Explanation. This publication announces the adoption of IEEE Std 1003.1-1988 of the Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System Interface for Computer Environments as a Federal Information Processing Standard (FIPS). IEEE Std 1003.1-1988 defines a C language source interface to an operating system environment. This standard is for use by computing professionals involved in system and application software development and implementation. This standard is the first component of a series of specifications needed for application portability. The Appendix to this standard discusses the elements needed in an Applications Portability Profile.

Approving Authority. Secretary of Commerce.

Maintenance Agency. U.S. Department of Commerce, National Institute of Standards and Technology (National Computer Systems Laboratory).

Cross Index. The Institute of Electrical and Electronic Engineers Standard for Portable Operating System Interface for Computing Environments, IEEE Std 1003.1-1988 (POSIX).

Related Documents

a. Federal Information Resources Management Regulation 201-8.1, Federal ADP and Telecommunications Standards.

b. Draft Proposed American National Standard X3J11/88-002, "Programming Language C".

Objectives. This FIPS permits Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of this FIPS are:

a. To promote portability of computer application programs at the source code level.

b. To simplify computer program documentation by the use of a standard portable system interface design.

c. To reduce staff hours in porting computer programs to different vendor systems and architectures.

d. To increase portability of acquired skills, resulting in reduced personnel training costs.

e. To maximize the return on investment in generating or purchasing computer programs by insuring operating system compatibility.

Government-wide attainment of the above objectives depends upon the widespread availability and use of comprehensive and precise standard specifications.

Applicability. This FIPS shall be used for operating systems that are either

developed or acquired for Government use where POSIX-like interfaces are required. This FIPS is applicable to the entire range of computer hardware, e.g.:

- Micro-computer systems.
- Mini-computer systems.
- Engineering workstations.
- Mainframes.

Specifications. The POSIX FIPS specifications are the specifications contained in the Institute of Electrical and Electronics Engineers Standard for Portable Operating System Interface for Computer Environments, IEEE Std 1003.1-1988 (POSIX) as modified below. IEEE Std 1003.1-1988 defines a C language source code level interface to an operating system environment. IEEE Std 1003.1-1988 refers to and is a complement to draft ANSI standard X3J11/88-002, C Language, which is under development by Accredited Standards Committee X3. IEEE Std 1003.1-1988 requires specific areas of ANSI X3J11/88-002, C Language, to complete the environment specification for portable application software.

The following modifications to IEEE Std 1003.1-1988 for Portable Operating System Interface for Computer Environments are required for implementation for POSIX that are acquired by Federal agencies:

a. Inconsistencies with CLK_TCK exist between the IEEE Std 1003.1-1988 and the referenced ANSI/X3.159-198x Programming Language C Standard draft 13 May 1988 (X3J11/88-002). This inconsistency shall be resolved in the ratified C Standard. Until the C Standard is ratified, CLK_TCK is to be treated as a POSIX-only symbol.

b. The implementation shall support the option _POSIX_CHOWN_RESTRICTED.

c. The implementation shall support the option {NGROUPS_MAX} such that the value of {NGROUPS_MAX} is greater than or equal to eight (8).

d. The implementation shall support the setting of the group-ID of a file (when it is created) to that of its parent directory.

e. The implementation shall support the functionality associated with the feature { _POSIX_SAVED_IDS }.

f. The implementation shall support the functionality associated with the feature { _POSIX_VDISABLE }.

g. The implementation shall support the option _POSIX_JOB_CONTROL.

h. The implementation shall support the functionality associated with the feature { _POSIX_NO_TRUNC }.

i. In section 6.4.1.2, the sentence "If a read() is interrupted by a signal after it has successfully read some data, either it shall return -1 with errno set to

[EINTR], or it shall return the number of bytes read." shall be deleted and replaced with the sentence "If a read() is interrupted by a signal after it has successfully read some data, it shall return the number of bytes the system has read."

In section 6.4.2.2, the sentence "If a write() is interrupted by a signal after it successfully writes some data, either it shall return -1 with errno set to [EINTR], or it shall return the number of bytes written." shall be deleted and replaced with the sentence "If a write() is interrupted by a signal after it successfully writes some data, it shall return the number of bytes the system has written."

j. The environment for the login shell shall contain the environment variables HOME and LOGNAME as defined in section 2.7.

Implementation. This standard is effective October 13, 1989. This standard is compulsory and binding for use in all solicitations and contracts for new operating systems where POSIX-like interfaces are required. The other elements identified in the Appendix should be considered in planning for future procurements.

a. **Acquisition of a Conforming Portable Operating System Environment.** Operating system environments which are to be acquired for Federal use after the publication date of this standard and which have applications portability as a requirement shall use this FIPS. Conformance to this FIPS shall be considered whether the operating system environments are:

1. Developed internally,
2. Acquired as part of an ADP system procurement,
3. Acquired by separate procurement,
4. Used under an ADP leasing arrangement, or
5. Specified for use in contracts for programming services.

b. **Interpretation of the FIPS for Portable Operating System Interface for Computer Environments.** NIST provides for the resolution of questions regarding the FIPS specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of this FIPS should be addressed to:

Director, National Computer Systems Laboratory, Attn: POSIX FIPS Interpretation, National Institute of Standards and Technology, Gaithersburg, MD 20899.

c. **Validation of Conforming Operating Systems Environments.** NIST has developed cooperatively with industry a validation suite for measuring conformance to this standard. This suite

will be required for testing conformance of POSIX implementations. Requirements for testing will be announced in the near future.

Waivers. Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, U.S. Code. Waivers shall be granted only when:

- a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or
- b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology, Attn: FIPS Waiver Decisions, Technology Building, Room B-154, Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. section 552(b), shall be part of the procurement documentation and retained by the agency.

Where To Obtain Copies: Copies of this publication are for sale by the National Technical Information Service,

U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the Institute of Electrical and Electronics Engineers, Incorporated.) When ordering, refer to Federal Information Processing Standards Publication 151-1 (FIPSPUB151-1), and title. Payment may be made by check, money order, or deposit account.

Appendix A

POSIX, as currently defined, is the crucial first step in providing a vendor independent interface specification between an application program and an operating system. The current definition, however, must be extended in order to provide interface specifications for full operating system functionality. These additional interface specifications must include:

- (1) **Shell and Tools:** These functions provide an interactive interface for users to control processing. Example: listing the files in a directory.
- (2) **Advanced Utilities:** These utilities provide additional capabilities and specialized functions that make users and programmers more productive. Example: full-screen editing.
- (3) **System Administration:** These functions are required to operate the system. Example: mount a file system.
- (4) **Terminal Interface Extensions:** These functions are called by application programs. They enable programs to perform interactive terminal operations in a way that is independent of the type of terminal being used. Example: turn on attributes such as blinking characters or reverse video.

POSIX, when fully extended, will provide the functionality required to support source code portability for a wide range of applications across many different machines and operating systems. However, even the extended POSIX will not be sufficient to achieve portability for all applications.

There is increasing recognition of the need for an architectural approach to applications portability. This recognition has come about because earlier attempts to use a language-based approach to applications portability were not successful. Language portability is only one aspect of the problem of porting applications software from one operating system environment to another. Applications software portability depends on additional factors which include:

- (1) Characteristics of the underlying hardware/software (e.g. word length, input/output (I/O) architecture, processor, operating system).
- (2) Portability of software utilities used by the application (e.g. data base management, graphics, operating system functions, and communications).
- (3) Data form, format and representation that may need to be transported with the software, and
- (4) Language implementation (compiler/interpreter/processor) including specific limits or subsets of the language used in programming (e.g. magnitude of numeric

values, number of subscripts and number of labels).

Unless each of these factors is addressed as part of an overall architecture, the benefits of applications portability will not be fully realized.

A planned Applications Portability Profile (APP) has been developed to provide sufficient functionality to accommodate a broad range of application requirements. The functional components of the APP constitute a "tool box" of standard elements that can be used to develop and maintain portable applications. A key aspect of the APP is that it is an open systems architecture based upon non-proprietary standards. The current planned components of the APP are summarized in Figure 1 and described in the following paragraphs. Additional components may be added as technology changes and as Federal government requirements change.

Database Management

Database management is an important aspect of applications portability. A growing number of organizations use a Database Management System (DBMS) to allow application programs, written in a variety of languages, to work on the same basic data. In addition, a DBMS can facilitate language independence in the design, development, and maintenance of data resources.

FIPS 127, Database Language SQL, and FIPS 158, Information Resource Dictionary Systems (IRDS) are the initial components to meet the database management requirement.

Data Interchange

In addition to the mechanism for managing data, the data itself is an important aspect of applications portability. In many situations, the problems associated with porting the applications software from one system to another pales in comparison to the problem of porting the data. There are three categories of particular concern regarding data interchange:

- Graphics
- Product Data
- Document Processing

FIPS 128, Computer Graphics Metafile (CGM) is the initial component to meet the graphics requirements. Initial Graphics Exchange Specification (IGES) and Product Data Exchange Specification (PDES) are the initial components to meet the requirements to exchange product data. Standard Generalized Markup Language (SGML) and Office Document Architecture/Office Document Interchange Format (ODA/ODIF) are the initial components to meet the requirements for document processing.

Network Services

There are two basic network services that should be provided:

File Management is an integral part of most applications. File management functions have traditionally focused on accessing data within a local file system. That focus has now shifted to functions that permit shared access to files in a heterogeneous environment of computer hardware, software, and networks. A standard approach to managing this shared access to remote files is an important aspect of software portability. Failure to provide shared access to remote files will inevitably

lead to local, incompatible approaches that inhibit application portability.

Network File System (NFS) is the initial component to meet file management facility requirements.

Data Communications facilities permit interoperability among applications in a heterogeneous environment of computer hardware, software, and networks. The requirement to manage shared access to remote files is just part of a larger requirement for applications software to perform its functions in a network environment. Here again, failure to provide this function will inevitably lead to local, incompatible approaches that inhibit applications portability.

Government Open Systems Interconnection Profile (GOSIP) is the initial component to satisfy the data communications requirements.

User Interface

The most neglected aspect of applications software portability is the requirement to maintain a consistent user interface across all systems on which the application resides. The fact that the application is likely to be distributed over a heterogeneous environment of computer hardware, software, and networks means that the user interface facility must provide the flexibility to allow the user to interact with programs within such an environment.

The X Window System is the initial component to meet user interface requirements.

Programming Services

The most emphasized aspect of applications software portability is the requirement for programming language portability from one system to another. The major problem is that programming language portability is often equated with applications software portability. A key requirement for programming languages is that a sufficient variety be included to encompass the full range of application requirements.

The C language binding is the initial component for programming language interfaces. Additional bindings will be developed for FORTRAN, COBOL, Ada, and Pascal.

FIGURE 1.—APPLICATIONS PORTABILITY PROFILE

Function	Element	Specification
Operating system.	Extended POSIX.	FIPS 151 (IEEE Std 1003.1-1988). IEE P1003.2 (proposed FIPS).
Data base management.	SQL.....	FIPS 127.
	IRDS.....	X3.138 (proposed FIPS).
Data Interchange:		
—Graphics...	CGM.....	FIPS 128.
—Product data.	IGES & PDES.	NBSIR 88-3813.

FIGURE 1.—APPLICATIONS PORTABILITY PROFILE—Continued

Function	Element	Specification
—Docu-ment process-ing.	SGML.....	FIPS 152.
	ODA/ODIF.....	ISO/IS 8613.
Network Services:		
—Data Commu-nications.	OSI.....	FIPS 146 (GOSIP).
—File manage-ment.	NFS.....	IEEE P1003.8x.
User interface.	X Window System.	Version 11, Release 2 (proposed FIPS).
Programming services.	C.....	X3J11/88-002.
	COBOL.....	FIPS 021-2.
	FORTRAN.....	FIPS 069-1.
	Ada.....	FIPS 119.
	Pascal.....	FIPS 109.

While NIST will continue to work with both national and international standards organizations to produce the needed specifications, current federal requirements dictate immediate action. In order to meet this need NIST will adopt a series of specifications based on emerging national and international standards.

These specifications will include interface specifications for (1) Shell and Tools, (2) Advanced Utilities, (3) System Administration, (4) Terminal Interface Extensions, (5) X Window System, and (6) NFS.

The components of the APP represent varying stages of maturity. Some have not been introduced into the formal standards process (i.e., X Window System), others exist only as draft standards (e.g. POSIX), and others have been adopted as national and international standards (e.g. SQL). As these standards mature there will be a need to update the APP to reflect the changes that will occur. NIST will establish a process to ensure that the APP incorporates the evolving (maturing) consensus of the national and international standards activities for each of the functional components of the APP. In addition, specifications for bindings for languages and other APP components may be required. NIST will identify the need for these bindings and augment the APP as required.

Both users and vendors will be included in this process through an ongoing series of user workshops and implementor workshops which will provide forums for feedback and comments on the evolving APP. The user workshops will be designed to (1) provide users with information about the progress of defining the APP and (2) provide NIST with input and feedback on the evolving APP and what priorities could be given to the various functional components. The Implementors Workshops will provide a forum in which to discuss the evolving APP with the vendors and to get feedback on the technical merits of

the proposals. These implementor workshops will be designed to ensure that there is a general consensus on the part of vendors to commit to building products to the evolving APP specifications.

[FR Doc. 89-8814 Filed 4-12-89; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Intent to Evaluate the Performance of the Maine Coastal Management Program

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of the Maine Coastal Management Program through June 1989. Evaluation of Maine's coastal management program will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended, (CZMA), which requires a continuing review of the performance of coastal states with respect to coastal management, including detailed findings concerning the extent to which the state has implemented and enforced the program approved by the Secretary of Commerce, addressed the coastal management needs identified in section 303(2) (A) through (I) of the CZMA, and adhered to the terms of any grant, loan or cooperative agreement funded under the CZMA. The review involves consideration of written submissions, a site visit to the state, and consultation with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visit. The state will issue notice of these meetings. Copies of Maine's most recent performance report, as well as the OCRM's notification letter and supplemental information request letter to the state are available upon request from the OCRM. Written comments from all interested parties to the contact listed below are encouraged at this time. OCRM will place subsequent notice in the Federal Register announcing the availability of the Final Findings once it is completed.

FOR FURTHER INFORMATION CONTACT: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW.,

Washington, DC 20235 (telephone: 202/673-5104).

Date: April 5, 1989.

Thomas J. Maginnis,
Assistant Administrator for Ocean Services
and Coastal Zone Management.

(Federal Domestic Assistance Catalog II.419
Coastal Zone Management Program
Administration)

[FR Doc. 89-8786 Filed 4-12-89; 8:45 am]

BILLING CODE 3510-08-M

COMMISSION ON RAILROAD RETIREMENT REFORM

Meeting

ACTION: Railroad Retirement Reform

SUMMARY: The Commission on Railroad Retirement Reform ("the Commission") will hold its second meeting on Wednesday, April 26, 1989. The Commission was established by section 2101 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203, enacted December 22, 1987.

DATE, TIME, AND PLACE: Wednesday, April 26, 1989, 9:00 am-4 pm, Association of American Railroads, 50 F Street, NW., Washington, DC (4th Floor Boardroom).

AGENDA: The open meeting will be devoted to general discussion of the following areas: long-term trends in railroad employment, historical discussion of coverage rulings and court cases, taxability of railroad retirement benefits, relative cost of pensions for non-railroad employer versus railroad retirement costs, and financial interchange in relation to RRA benefit discrepancies.

FOR ADDITIONAL INFORMATION: Contact Maureen Kiser, 202-254-3223, Commission on Railroad Retirement Reform, 1111 18th Street, NW., Washington, DC 20036.

SUPPLEMENTARY INFORMATION: See Federal Register, Volume 54, No. 40, Thursday, March 2, 1989, Page 8856.

Kenneth J. Zoll,
Executive Director.

[FR Doc. 89-8762 Filed 4-12-89; 8:45 am]

BILLING CODE 6820-63-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Panel on Government-Industry Relations; Subpanel Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the

Defense Advisory Panel on Government-Industry Relations (DAPGIR), Subpanel on Alternative Dispute Resolution, is scheduled to be held from 9:00 a.m. to 1 p.m. on April 26, 1989. The meeting will be held at the Armed Services Board of Contract Appeals, 5109 Leesburg Pike, Skyline 6, 7th Floor, Falls Church, Virginia. The agenda includes a discussion of expanded use of alternative dispute resolution procedures and guidelines therefor. A guest speaker is also planned.

The DAPGIR was established pursuant to section 808, Pub. L. 100-456 to study and make recommendations to the Secretary of Defense on ways to enhance cooperation between the Department of Defense and industry regarding matters of mutual interest, including (1) procedures governing the debarment and suspension of contractors from doing business with the Department of Defense; (2) the role of self-governing oversight programs established by defense contractors; and (3) expanded use of alternative disputes resolution procedures. The Panel will also study and make recommendations on the desirability of establishing a permanent panel. Membership of the DAPGIR is comprised of senior government acquisition officials, prominent academicians and senior executives from private industry.

Persons desiring to attend the Subpanel meeting should contact Ms. Regina Bacon, Defense Advisory Panel on Government-Industry Relations, ATTN: DLA-L, Cameron Station, Alexandria, VA 22304, telephone (202) 274-7146, on later than April 24, 1989.

L. M. Bynum,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

April 7, 1989.

[FR Doc. 89-8805 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1989 Summer Study on Improving Test and Evaluation Effectiveness; Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board 1989 Summer Study on Improving Test and Evaluation Effectiveness will meet in closed session on May 17-18, June 6-7, and June 21-22, 1989, at Science Applications International Corporation, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of

Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will examine the contributions of modeling and simulation to Defense test and evaluation so as to improve the acquisition process.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-8806 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1989 Summer Study on Noncooperative Identification; Meeting

ACTION: Change in location of advisory committee meeting notice.

SUMMARY: The meeting of the Defense Science Board 1989 Summer Study on Noncooperative Identification scheduled for April 13-14, May 17-18, and June 14-15, 1989, at the VEDA Corporation, Arlington, Virginia as published in the *Federal Register* (Vol. 54, No. 45, Page 10034, Thursday, March 9, 1989, FR Doc. 89-5439) will be held at the Systems Planning Corporation, Arlington, Virginia.

April 7, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-8807 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1989 Summer Study on Improving Test and Evaluation Effectiveness

ACTION: Change in location of advisory committee meeting notice.

SUMMARY: The meeting of the Defense Science Board 1989 Summer Study on Improving Test and Evaluation Effectiveness scheduled for April 11, 1989, at the Pentagon, Arlington, Virginia as published in the *Federal Register* (Vol. 54, No. 45, Page 10033, Thursday, March 9, 1989, FR Doc. 89-5437) will be held at the Science Applications International Corporation, McLean, Virginia.

April 7, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-8808 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1989 Summer Study on Improving Test and Evaluation Effectiveness

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board 1989 Summer Study on Improving Test and Evaluation Effectiveness scheduled for April 12, 1989, as published in the *Federal Register* (Vol. 54, No. 45, Page 10033, Thursday, March 9, 1989, FR Doc. 89-5437) has been cancelled.

April 7, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-8809 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Industrial Cooperation With Pacific Rim Nations

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on Defense Industrial Cooperation With Pacific Rim Nations scheduled for April 3, 1989, as published in the *Federal Register* (Vol. 54, No. 9, Page 1428, Friday, January 13, 1989, FR Doc. 89-887) has been cancelled.

April 7, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-8810 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Procurement With a Global Technology Base

ACTION: Change in date and location of advisory committee meeting notice

SUMMARY: The meeting of the Defense Science Board Task Force on Defense Procurement with a Global Technology Base scheduled for February 27, 1989 at the Pentagon, Arlington, Virginia as published in the *Federal Register* (Vol. 54, No. 22, Page 5543, Friday, February 3, 1989, FR Doc. 89-2587) will be held on May 2, 1989 at Science Applications International Corporation, McLean, Virginia. This notice supercedes the

change previously submitted in *Federal Register* (Vol. 54, No. 38, Page 8374, Tuesday, February 28, 1989, FR Doc. 89-4608).

April 7, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-8811 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-11-M

Department of the Air Force

Community College of the Air Force; Meeting

The Community College of the Air Force (CCAF) Board of Visitors will hold a meeting on Tuesday, May 23, 1989, at 8:30 a.m. in the Columbine Room, Building 24, Lowry Air Force Base, Denver, Colorado.

Purpose of the meeting is to review and discuss academic policies and issues relative to operation of the CCAF. Agenda items include the State of the College, Value of Accreditation, Faculty Credentials, Joint Training Issues, and a discussion on CCAF's Past, Present, and Future.

For further information contact Major David E. Muhleman, (205) 293-7937, Community College of the Air Force, Maxwell Air Force Base, Montgomery, Alabama 36112-6655.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-8799 Filed 4-12-89; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 6 May 1989

Time of Meeting: 0830-1500 hours

Place: Camp Lejeune, North Carolina

Agenda: The Army Science Board 1989 Summer Study on Maintaining State-of-the Art in the Army Command and Control System will tour the emplaced TENCAP facilities at Camp Lejeune, NC in conjunction with the ongoing Exercise, SOLID SHIELD. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are

so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer.

Army Science Board.

[FR Doc. 89-8800 Filed 4-12-89; 8:45 am]

BILLING CODE 3710-08-M

Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting: *Name of the Committee:* Army Science Board (ASB).

Date of Meeting: 1-2, May 1989.

Time of Meeting: 0800-1600 hours.

Place: Fort Leavenworth, Kansas.

Agenda: The Army Science Board Ad Hoc Subgroup for Army Analysis will meet with HG TRADOC Analysis Command (TRAC) and the Combined Arms Center (CAC) to discuss how the analysis process is working from both organization's perspective. This meeting will be closed to the public in accordance with section 552b(c) of Title 5 U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-8732 Filed 4-12-89; 8:45 am]

BILLING CODE 3710-08-M

Privacy Act of 1974; Altered System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice of an altered system of records subject to the Privacy Act of 1974.

SUMMARY: The Department of the Army is publishing a notice for public comment on an altered system of records included in its existing inventory of system of records subject to the Privacy Act of 1974.

DATES: This proposed action will be effective without further notice on May 15, 1989, unless comments are received

which result in a contrary determination.

ADDRESS: Send comments to the record system manager identified in the record system notice set forth below.

FOR FURTHER INFORMATION CONTACT:

Mr. Cliff Jones, ASOP-MR, Fort Huachuca, AZ 85613-5000, telephone: 602-538-6568, autovon: 879-6568.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notice subject to the Privacy Act of 1974 have been published in the *Federal Register* as follows:

(50 FR 22090) May 29, 1985 (Compilation)
(51 FR 30900) August 29, 1986
(51 FR 40479) November 7, 1986
(51 FR 44361) December 9, 1986
(52 FR 11847) April 13, 1987
(52 FR 18798) May 19, 1987
(52 FR 25905) July 9, 1987
(52 FR 32329) August 27, 1987
(52 FR 43932) November 17, 1987
(53 FR 12971) April 20, 1988
(53 FR 16575) May 10, 1988
(53 FR 21509) June 8, 1988
(53 FR 28247) July 27, 1988
(53 FR 28249) July 27, 1988
(53 FR 28430) July 28, 1988
(53 FR 34576) September 7, 1988
(53 FR 49586) December 8, 1988
(53 FR 51580) December 22, 1988
(54 FR 11790) March 22, 1989

An altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974 was submitted on April 5, 1989, to the Administrator, Office of Information and Regulatory Affairs, OMB; the President of the Senate; and the Speaker of the House of Representatives, pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985).

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 7, 1989.

AAFES0702.34

SYSTEM NAME:

Individual Accounts Receivable Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, Dallas, TX 75222; HQ, AAFES Europe; HQ, AAFES Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AAFES customers (military, retirees, civilians, and civilian dependents).

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files relating to debts owned by

individuals, including dishonored checks, deferred payment plans, home layaways, salary/travel advances, pecuniary liability claims and credit cards. These files include all correspondence to the debtor/his or her commander, notices from banks concerning indebtedness, originals or copies of returned checks, envelopes showing attempts to contact the debtor, payment documentation, pay adjustment authorizations, deferred payment plan applications, charges and statements of accounts, and home layaway cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. sections 3012 and 8012, and E.O. 9397.

PURPOSES(S):

To process, monitor, and post audit accounts receivable, to administer the Federal Claims Collection Act, and to answer inquiries pertaining thereto. To collect dishonored check indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. U.S. Department of Justice/U.S. Attorneys: For legal action and/or final disposition of the debt claim.

b. Internal Revenue Service: To obtain locator status for delinquent accounts receivables: (Controls exist to preclude redisclosure of solicited IRS address data); and/or to report write-off amounts as taxable income as pertains to amounts compromised and accounts barred from litigation due to age.

c. Private collection agencies: For collection action when the Army has exhausted its internal collection efforts.

d. Consumer reporting agencies: Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). To collect dishonored check indebtedness.

e. Civil or criminal law enforcement agencies: For law enforcement purposes.

f. See "Blanket Routine Uses" set forth at the beginning of the Army's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual file folders.

RETRIEVABILITY:

By customer's surname or SSN.

SAFEGUARDS:

Records are maintained in areas accessible only by authorized personnel within AAFES/CM-G.

RETENTION AND DISPOSAL:

Records are retained in current files until close of fiscal year in which the receivable is cleared, or if office space doesn't permit, at the end of the fiscal quarter in which receivable is cleared. At year end, files are stored for 10 years and subsequently forwarded to the Federal Records Center, Fort Worth, Texas for destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system contains information concerning them should write to the System Manager, ATTN: Chief, General Accounting Branch, Comptroller Division, or telephone 214/330-2631 furnishing full name, SSN or other acceptable identifying information that will facilitate locating the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records concerning themselves should write to the System Manager, furnishing information specified in "Notification procedure".

CONTESTING RECORD PROCEDURES:

Rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the customer and from correspondence between AAFES and vendors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 89-8813 Filed 4-12-89; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY**Bonneville Power Administration****McMinnville Area Support
Transmission Project; Floodplain
Action**

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of proposal to construct a transmission line within the North

Yamhill River floodplain, Yamhill County, Oregon.

SUMMARY: In a cooperative project with the City of McMinnville Water and Light Department, BPA is proposing to increase the capacity of the electric transmission system serving the McMinnville area with a new single-circuit 230-kilovolt (kV) transmission line between Carlton Substation and a new substation in McMinnville. The proposed transmission line would be about 3.6 miles long. North of McMinnville an approximate 0.4 mile length of the line would cross the 100-year floodplain of the North Yamhill River.

FOR FURTHER INFORMATION CONTACT:

Anthony R. Morrell, Assistant to the Administrator for Environment, Bonneville Power Administration, P.O. Box 3621-AJ, Portland, Oregon 97208; (503) 230-5136. Maps and further information are available from the EPA Lower Columbia area engineer, Ed Peterson, at (503) 230-5236.

SUPPLEMENTARY INFORMATION: Because of plans to install a new electric furnace at Cascade Steel Rolling Mill in McMinnville, the demand for electricity in the McMinnville area will increase beyond the capacity of the present electrical system. The proposed new transmission line and substation would expand the capacity of the electric system to meet the needs of the McMinnville area. Crossing the North Yamhill River floodplain would be unavoidable because Carlton Substation and the site of the new substation in McMinnville are on opposite sides of the floodplain. An environmental assessment (EA) on the project is being prepared and will be distributed in May 1989 for public review. The EA will include a floodplain assessment, an evaluation of the steel plant expansion, and other potential environmental impacts.

Issued in Portland, Oregon, March 29, 1989

James J. Jura,
Administrator.

[FR Doc. 89-8723 Filed 4-12-89; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration**Agency Information Collections Under
Review by the Office of Management
and Budget**

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not include information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden, and (13) A brief abstract describing the proposed collection and the respondents.

DATE: Comments must be filed on or before May 15, 1989.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION CONTACT:

Jay Casselberry, Office of Statistical Standards (EI-73), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586-2171

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the DOE contact listed above.)

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC Form No. 8
3. 1902-0026
4. Pipeline Certificates: Underground Gas Storage Report

5. Extension
6. Monthly
7. Mandatory
8. Businesses or other for profit and small businesses or organizations
9. 40 respondents
10. 480 responses
11. 3 hours per response
12. 1,440 hours (total)
13. The data on FERC Form No. 8 are used by the Commission in analyzing the total amount of storage gas to assure the continuity of natural gas service. The data are analyzed with regard to natural gas storage injections, withdrawals, balances and reservoir capacities to assure that the stored gas supply is adequate.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Federal Energy

Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 89-8724 Filed 4-12-89; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[Docket No. FE C&E 89-08; Certification Notice 34]

Filing of Certification of Compliance; Coal Capability of New Electric Powerplants Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary

energy source (section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as to base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the *Federal Register* a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below

SUPPLEMENTARY INFORMATION: The following company has filed a self certification:

Name	Date Received	Type of Facility	Megawatt Capacity	Location
EF Oxnard, Inc. San Diego, CA.....	03-27-89	Combined Cycle Cogen.....	47	Oxnard, CA.

Amendments to the FUA on May 21, 1987, (Public Law 100-42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Issued in Washington, DC, on April 5, 1989.
J. Allen Wampler,
Assistant Secretary, Fossil Energy.
[FR Doc. 89-8722 Filed 4-12-89; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 18-003, et al.]

Hydroelectric Applications; Idaho Power Co. et al.; Applications Filed With the Commission

Take notice that the following

hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Application:* Transfer of Licenses.

b. *Project Numbers, Names, and Locations:* See Item k; all of the projects are located in Idaho.

c. *Date Filed:* February 27, 1989.

d. *Applicant:* Idaho Power Company (Transferor) and Idaho Power Migrating Corporation (Transferee).

e. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

f. *Applicant Contact:* Mr. Ronald L. Williams, Idaho Power Company, 1220 W. Idaho Street, P.O. Box 70, Boise, ID 83708, (208) 383-2918. Mr. Lee S. Sherline, Leighton and Sherline, Suite 101, 1010 Massachusetts Avenue NW., Washington, DC 20001, (202) 898-1122.

g. *Commission Contact:* Mr. James O. Hunter—(202) 376-1943.

h. *Comment Date:* May 15, 1989.

i. *Description of Proposed Action:* Hydropower licenses were issued to Idaho Power Company, a Maine Corporation, for the operation and maintenance of the projects listed under Item k. The Transferor and Transferee entered into an agreement and plan of merger whereby the existing Maine corporation will be merged with and into the Migrating Corporation. After completion of the merger, the Migrating Corporation will change its name to Idaho Power Company, an Idaho corporation.

j. *This notice also consists of the following standard paragraphs:* B and C.

k. *Licensed Projects to be Transferred:*

Project No.	Project Name	Project Location	
		River	County
18-003.....	Twin Falls.....	Snake.....	Jerome & Twin Falls.
503-005.....	Swan Falls.....	Snake.....	Ada & Owyhee.
1971-023.....	Hells Canyon.....	Snake.....	Adams & Washington..

Project No.	Project Name	Project Location	
		River	County
1975-003	Bliss	Snake	Gooding & Twin Falls.
2055-004	C.J. Strike	Snake	Elmore & Owyhee.
2061-002	Lower Salmon	Snake	Gooding & Twin Falls.
2726-005	Malad	Malad	Gooding.
2736-005	American Falls	Snake	Power & Bingham.
2777-003	Upper Salmon	Snake	Gooding & Twin Falls.
2778-003	Shoshone Falls	Snake	Jerome & Twin Falls.
2848-007	Cascade	North Fork Payette	Valley.
3104-003	Lucky Peak		Ada.

*Transmission Line License associated with the Lucky Peak Power Project No. 2832.

a. *Type of Filing:* Transfer of License.
b. *Project No.:* 5130-009.
c. *Date Filed:* March 6, 1989.
d. *Applicants:* Mega Renewables and Highland Hydro Construction Inc.
e. *Name of Project:* Lost Creek No. 2 Project.

f. *Location:* Occupies lands within the Lassen National Forest on Lost Creek, in Shasta County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contacts:* Mr. Fred G. Castagna, Mega Renewable, 2576 Hartnell Avenue, Redding, CA 92002. (916) 222-1414. Mr. Mearl Williams, Vice President, Highland Hydro Construction, Inc., 2576 Hartnell Avenue, Redding, CA 92002, (916) 222-1414.

i. *FERC Contact:* Thomas Dean, (202) 376-9562.

j. *Comment Date:* May 8, 1989.

k. *Description of Application:* Mega Renewable (transferor) proposes to transfer the license issued on May 29, 1987, to Highland Hydro Construction, Inc. (transferee). The transferee is a private corporation organized under the laws of the State of California.

l. *This notice also consists of the following standard paragraphs:* B and C.

a. *Type of Application:* Surrender of License.

b. *Project No.:* 6451-005.

c. *Date Filed:* January 31, 1989.

d. *Applicant:* Thornton N. Snider.

e. *Name of Project:* San Antonio Creek.

f. *Location:* On San Antonio Creek in Calaveras County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. John J. Buckley, 3327 Longview Drive, North Highlands, Sacramento, CA 95660-5895, (916) 971-3961.

i. *FERC Contact:* Mr. William Roy-Harrison, (202) 376-9830.

j. *Comment Date:* May 4, 1989.

k. *Description of Project:* The project would have consisted of a diversion dam, a penstock, a powerhouse containing a generating unit with a rated capacity of 400 kW, and a transmission line. The licensee states that the project

is not economical feasible to develop at this time. Therefore, the licensee requested that its license be terminated. The licensee has not commenced construction of the project.

l. *This notice also consists of the following standard paragraphs:* B and C.

a. *Type of Filing:* Amendment of license application.

b. *Project No.:* 7941-000.

c. *Date Filed:* March 24, 1989.

d. *Applicant:* Enviro Hydro, Inc.

e. *Name of Project:* Wallace Canyon Creek.

f. *Location:* On Wallace Canyon Creek, within Eldorado National Forest, in Placer County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Gary D. Bachman, Van Ness, Feldman, Sutcliffe, & Curtis, 1050 Jefferson Street NW., Washington, DC 20007, (202) 298-1800.

i. *FERC Contact:* Nanzo T. Coley, (202) 376-9416.

j. *Comment Date:* May 5, 1989.

k. *Description of Project:* The proposed modified project would consist of: (1) A proposed 10-foot-high, 80-foot-long diversion dam; (2) a proposed reservoir with a surface area of 0.20 acre and a storage capacity of 1.5 acre-feet; (3) a proposed 20,000-foot-long, 38-inch diameter conduit and a proposed 2,000-foot-long, 30-inch-diameter penstock; (4) a proposed powerhouse containing one generating unit rated at 5 MW; (5) a proposed 10-foot-wide tailrace; (6) a proposed 2.6-mile-long transmission line; and (7) appurtenant facilities. The estimated average annual energy output for the project is 10,000,000 kWh.

l. *This notice also consists of the following standard paragraphs:* B, C, and D1.

a. *Type of Application:* Surrender of License.

b. *Project No.:* 8366-006.

c. *Date Filed:* February 6, 1989.

d. *Applicant:* Prodek, Inc.

e. *Name of Project:* Sumner Dam.

f. *Location:* On the Pecos River in De Baca County, New Mexico, using the Bureau of Reclamation's Sumner Dam.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Flake H. Wells III, Prodek, Inc., 2431 E. 61st Street, Suite 318, Tulsa, OK 74136, (918) 749-7749.

i. *FERC Contact:* Mr. William R. Roy-Harrison, (202) 376-9830.

j. *Comment Date:* May 4, 1989.

k. *Description of Project:* The project would have consisted of a penstock, a powerhouse containing a generating unit with a rated capacity of 1,200 kW, a tailrace, a transmission line, and appurtenant facilities.

The licensee states that it is unable to obtain a power sales contract at this time. Therefore, the licensee requested that its license be terminated. The licensee has not commenced construction of the project.

l. *This notice also consists of the following standard paragraphs:* B, C, and D2.

Standard Paragraphs

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents

must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, Room 203-RB, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. Agency Comments—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural or other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313(b) of the Federal Power Act, 16 U.S.C. 8251(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be sent to the Applicant's representatives.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described

application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 7, 1989, Washington, DC.
Lois D. Cashell,
Secretary.
[FR Doc. 89-8665 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP89-1133-000, et al.]

Tennessee Gas Pipeline Co. et al.; Natural Gas Certificate Filings

April 6, 1989.

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Company

[Docket No. CP89-1133-000]

Take notice that on April 3, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89-1133-000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving abandonment of field gas compression and related metering and appurtenant facilities, specifically including a flash gas compressor, all as more fully set forth in the application on file with the Commission and open for public inspection.

Tennessee states that the flash gas compressor was placed in service pursuant to a request for authorization filed by Tennessee in Docket No. CP75-124. Tennessee further states that the flash gas compressor was intended to compress flash gas from condensate produced from wells in the West Delta Block 35 "C" platform. It is stated that at this time, the condensate is no longer rich enough with gas to justify this compression, thus, Amoco Production Company has requested that Tennessee remove the compressor from the platform.

Tennessee indicates that the cost of the proposed abandonment would be approximately \$115,556 with an estimated salvage value of \$5,000.

Comment date: April 27, 1989, in accordance with Standard Paragraph F at the end of this notice.

2. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP89-1130-0000]

Take notice that on March 31, 1989, Northern Natural Gas Company,

Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP88-1130-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to transport natural gas on behalf of Coastal Gas Marketing Company (Coastal), a marketer of natural gas, under Northern's blanket certificate issued in Docket No. CP89-435-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to transport on an interruptible basis up to 200,000 MMBtu equivalent of natural gas on a peak day, 150,000 MMBtu equivalent on an average day and 73,000,000 MMBtu equivalent on an annual basis for Coastal. It is asserted that Northern would receive the gas at specified receipt points in Louisiana, Texas, offshore Louisiana and offshore Texas, and deliver the gas at specified delivery points in Louisiana, Texas, offshore Louisiana, and offshore Louisiana. It is stated that the transportation service would be effected using existing facilities and would not require any construction of additional facilities. It is explained that the service commenced February 22, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89-2806.

Comment date: May 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. Texas Gas Transmission Corporation

[Docket No. CP89-1131-000]

Take notice that on March 31, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-1131-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Coastal Gas Marketing Company (Coastal) under Texas Gas' blanket certificate issued in Docket No. CP88-686-000, pursuant to section 7 of the National Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport, on an interruptible basis, up to a maximum of 25,000 MMBtu of natural gas per day for Coastal from receipt points located in offshore, Texas to a delivery point located in offshore, Texas. Texas Gas anticipates transporting, on an average day 25,000

MMBtu and an annual volume of 9,125,000 MMBtu.

Texas Gas states that the transportation of natural gas for Stand commenced February 10, 1989, as reported in ST89-2348-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Texas Gas in Docket No. CP88-686-000.

Comment date: May 22, 1989, in accordance with Standard Paragraph G at the end of the notice.

4. Panhandle Eastern Pipe Line Company

[Docket No. CP89-1139-000]

Take notice that on April 4, 1989, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1139-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Williams Gas Marketing Company (Williams), a marketer, under the blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a transportation agreement dated September 19, 1988, under its Rate Schedule PT, it proposes to transport up to 12,000 dekatherms (dt) per day equivalent of natural gas for Williams. Panhandle states that it would transport the gas from receipt points in Texas, Oklahoma, Kansas, Colorado, Wyoming and Illinois, and deliver such gas, less fuel used and unaccounted for line loss, to Manville Building Materials in Defiance County, Ohio.

Panhandle advises that service under § 284.223(a) commenced February 21, 1989, as reported in Docket No. ST89-2833. Panhandle further advises that it would transport 8,000 dt on an average day and 2,920,000 dt annually.

Comment date: May 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. Texas Gas Transmission Corporation

[Docket No. CP89-1137-000]

Take notice that on April 4, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-1137-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible

transportation service for EnTrade Corporation (EnTrade), a marketer, under the blanket certificate issued in Docket No. CP88-686-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas states that pursuant to a transportation agreement dated November 1, 1988, it proposes to transport up to 300,000 MMBtu per day equivalent of natural gas for EnTrade. Texas Gas states that it would transport the gas from multiple receipt points as shown in Exhibit "B" of the transportation agreement and would deliver the gas to multiple delivery points shown in Exhibit "C" of the agreement. Texas Gas advises that the ultimate consumers of the gas are identified by EnTrade as Logan Aluminum, Commonwealth Aluminum, U.S. Gypsum, Knauf Fiberglass, Bausback Corporation, Roberts Asphalt and Southwire Aluminum.

Texas Gas advises that service under § 284.223(a) commenced February 9, 1989, as reported in Docket No. ST89-2347. Texas Gas further advises that it would transport 30,000 MMBtu on an average day and 109,500,000 MMBtu annually.

Comment date: May 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Texas Gas Transmission Corporation

[Docket No. CP89-1132-000]

Take notice that on March 31, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-1132-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas for Southern Gas Company (Southern Gas), under its blanket certificate issued in Docket No. CP88-686-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas proposes to transport for Southern Gas on an interruptible basis up to 200,000 MMBtu of natural gas on a peak day, 150,000 MMBtu on an average day, and 54,750,000 MMBtu on an annual basis. It is stated that service under § 284.223(a) commenced February 10, 1989, as reported in Docket No. ST89-2344. Texas Gas indicates that the service would have an initial term continuing through the end of the month in which the agreement is dated and continue on a monthly basis thereafter. Texas Gas proposes to charge Southern

Gas a rate pursuant to Texas Gas' currently effective Rate Schedule T. No new facilities are proposed herein.

Comment date: May 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP89-959-000]

Take notice that on March 8, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89-959-000 an application, as supplemented March 17, 1989, pursuant to section 7(c) of the Natural Gas Act for issuance of a certificate of public convenience and necessity authorizing: (1) the construction and operation of interconnecting facilities between Northern and The Kansas Power and Light Company (KP&L); and (2) certain sales service to KP&L under Rate Schedules CD-1 and SS-1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to sell up to 667 Mcf per day to KPL under Rate Schedule CD-1 and 10,000 Mcf per day under Rate Schedule SS-1. It is indicated that KP&L's existing supply arrangements to serve the communities of Belpre and Macksville, Kansas were in danger of becoming inadequate because sufficient pressure on its system could not be maintained in cold winter periods. It is also indicated that during cold periods during the 1988-1989 winter season that the wellhead pressure from the fifteen local wells servicing these customers has been as low as 98 pounds per square inch gauge (psig) or 52 psig below the required contract level. Northern states that KP&L has requested an emergency interconnection with Northern to receive 667 Mcf per day at a delivery pressure of 200 psig. In addition, Northern seeks to initiate sales service under Rate Schedule SS-1 to KP&L of 10,000 Mcf per day pursuant to service agreement dated November 1, 1988.

Northern states that to implement the sales service under Rate Schedule CD-1, it would construct and operate approximately 855 feet of 2-inch pipeline, a town border station and appurtenant facilities costing approximately \$101,200, which would be financed with internally generated funds. Northern further states KPL proposes to install and operate approximately 1,200 feet of 2-inch pipeline and appurtenant facilities from its system to Northern's proposed town border station.

Comment date: April 27, 1989, in accordance with Standard Paragraph F at the end of this notice.

8. Mississippi River Transmission

[Docket No. CP89-1121-000]

Take notice that on March 31, 1989, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP89-1121-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of others, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT states that it intends to transport natural gas on behalf of shippers and elects to become a transporter under the terms and conditions of the Commission's Order No. 436 and Order 500, in accordance with the terms and conditions set forth in the application. MRT states that, subject to the terms and conditions proposed in the application, it is willing to accept and would comply with the conditions in paragraph (C) of § 284.221 of the Commission's Regulations which paragraph refers to Subpart A of Part 284 of the Commission's Regulations.

MRT proposes to offer open-access transportation services to firm and interruptible shippers in accordance with the provisions of its proposed new Rate Schedules FTS and ITS, both of which are contained in a proposed new Volume No. 1-A of MRT's FERC Gas Tariff, a pro forma copy of which is included in MRT's application. MRT further states that since it has not been performing Part 284 transportation services, its proposed FTS and ITS rates constitute initial rates within the meaning of § 154.62 of the Commission's Regulations. MRT states that in order to expedite Commission approval of its application, such proposed rates have been developed on the basis of its currently effective rate settlement which was approved during the past year at Docket No. RP86-170-000, as adjusted to reflect potential increased throughput which may result from its rendition of open access services. MRT also states that its proposed Transportation General Terms and Conditions, which are also included in its pro forma Volume No. 1-A, have been largely modeled on provisions previously approved in the open access proceedings of other pipelines.

MRT requests that the Commission approve the pro forma Part 284 rates and

tariff provisions proposed in its application, and state its approval of the pro forma reduced jurisdictional sales rates which will result from MRT's proposed allocation of costs away from existing sales services to new transportation services. It is indicated that the pro forma reduced sales rates have been included in MRT's application for illustrative purposes; and following Commission approval of such rates, MRT would place such reduced sales rates into effect in a subsequent compliance to be made when it initiates open access service.

Comment date: April 27, 1989, in accordance with Standard Paragraph F at the end of this notice.

9. Transwestern Pipeline Company

[Docket No. CP89-1126-000]

Take notice that on March 31, 1989, Transwestern Pipeline Company (Transwestern), Post Office Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP89-1126-000 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the operation of certain minor gas supply and field compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern states that in its filing in Docket No. RP89-49-000 it proposed a decrease in rates which reflected the refunctionalization of certain facilities (theretofore classified on its books as production and gathering plant) to transmission facilities and inclusion of such in the appropriate transmission plant accounts. By order issued January 31, 1989, the Commission accepted the proposed tariff sheets and suspended the rates, allowed such to become effective subject to refund, and required that Transwestern file an application for certificate authorization for any of such refunctionalized facilities not previously certificated.

Transwestern states that the instant application was filed in compliance with such order and request authorization to operate certain facilities as part of its transmission plant. Such facilities consist of field compressors, small diameter gas supply lines, and related facilities, structures, and right-of-way in Transwestern's West Texas and Panhandle Systems, it is stated.

Transwestern submits that the "primary function" of such facilities has, in the recent past, changed as a result of a shift in the focus of its system operations—from that of merchant to transporter. Transwestern states that

this shift was brought about by the Commission's elimination of minimum take and minimum bill obligations on the part of pipeline customers, the regulatory policy changes made by the Commission in Order Nos. 436, 436-A, and 500, to implement "open access" transportation, Transwestern's acceptance of a blanket transportation certificate in Docket No. CP88-133-000, and the resulting increase in competition for gas sales and the concomitant increase in demand for transportation services, due to the change in the function of the facilities. Transwestern asserts that they are properly reclassified as transmission facilities.

Comment date: April 27, 1989, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to protest with reference to said filing should on or before the comment date file with the Federal Energy Regulation Commission, 825 North Capitol Street NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8666 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-169-010]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that ANR Pipeline Company ("ANR") on March 31, 1989 tendered for filing as part of its FERC Gas tariff Original Volume No. 2, six copies each of the following tariff sheets and has requested effective dates as listed:

Sheet No.	Effective Date
Substitute First Revised Sheet No. 19.	November 1, 1986.
Second Substitute Second Revised Sheet No. 19.	October 1, 1987.
Substitute Third Revised Sheet No. 19.	April 1, 1988.

ANR has filed these tariff sheets to correct a typographical error in the demand rates as listed for Rate Schedule No. X-104, a service for Northern Natural Gas Company ("Northern"). The rates previously shown were inadvertently stated as cents, but should have been stated as dollars.

ANR states that this typographical error occurred at the time ANR filed its current rate case, RP86-169 and has carried forward since that time. Subsequent filings were made and accepted in 1987 to reflect ANR's Annual Charges Adjustment ("ACA") and in 1988 to reflect a settlement regarding cash working capital in Docket No. RP86-169 et al. The

derivation of rates filed in RP86-169 at Exhibit N-10.1 page 56, supports the rates as reported on the sheets filed in the instant filing. Northern has been billed and has been paying the correct rates.

ANR states that copies of the filing have been served upon Northern.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Motions to intervene and protests should be filed by April 14, 1989.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8668 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-127-000]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that ANR Pipeline Company ("ANR") on March 31, 1989 tendered for filing as a part of its Original Volume Nos. 1, 1-A and 2 of its FERC Gas Tariff, certain tariff sheets listed in Appendix A attached to the filing.

ANR states that the above-referenced tariff sheets are being filed under § 2.104 of the Commission's Regulations to implement recovery of \$160.1 million of additional buyout and buydown costs and to establish a volumetric buyout buydown surcharge applicable to such additional buyout and buydown costs. Under the proposed filing, ANR is proposing to absorb twenty five percent of its buyout and buydown costs, to recover twenty five percent of such costs through a fixed monthly charge applicable to its Rate Schedules CD-1, MC-1 and SGS-1 sales customers and to recover fifty percent of such costs through a volumetric buyout buydown surcharge of 2.65¢ per dth applicable to each sales and transportation Rate Schedule under Original Volume Nos. 1, 1-A and 2 of ANR's FERC Gas Tariff.

ANR has requested that the Commission accept this filing, to become effective May 1, 1989.

ANR states that copies of the filing were served upon all of its Volume Nos. 1, 1-A and 2 customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, by April 14, 1989, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8669 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-48-001]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that ANR Pipeline Company ("ANR") on March 31, 1989 tendered for filing as part of its F.E.R.C. Gas Tariff, Original Volume No. 1, the following tariff sheet to be effective May 1, 1989.

Substitute Twentieth Revised Sheet No. 18

ANR states that the purpose of the instant filing is to provide revisions to the original projections of gas costs contained in the Annual PGA rate adjustment, that was filed on February 28, 1989, pursuant to section 15 of the General Terms and Conditions of ANR's Tariff.

Substitute Twentieth Revised Sheet No. 18 reflects a proposed gas commodity rate of \$2.3779 which consists of a 13.58¢ per dekatherm ("dth") decrease in ANR's CD-1/MC-1 Rate Schedules from rates proposed in the initial filing and a reduction of 45.63¢ per dth from currently effective rates. The filing further reflects a decrease in ANR's one-part rate applicable to Rate Schedule SGS-1 of 13.58¢ per dth from rates proposed in the original filing and a decrease from effective rates of 50.19¢ per dth. The monthly D-1 demand rate and the D-2 demand rate remain unchanged from the February 28th filing

which included reductions of \$0.041 and 1.48¢, respectively.

ANR states that copies of the filing were served upon all of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8670 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-135-000]

Arkla Energy Resources, a Division of Arkla, Inc.; Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, Arkla Energy Resources ("AER"), a division of Arkla, Inc., filed the proposed tariff sheets listed on Appendix A hereto. AER states that the purpose of its filing is to provide for the recovery by AER, through direct billing, of 50 percent of certain costs incurred by AER for the purpose of resolving disputed claims arising out of AER's alleged failure to take gas or to pay for gas not taken. AER also reserves the right to collect, at a future date, the costs of resolving such claims that were in dispute or litigation as of March 31, 1989.

AER states that the proposed tariff sheets reflect the allocation of settlement and contract reformation costs to jurisdictional firm sales customers on the basis of a purchase deficiency methodology utilizing a base period consisting of the year 1982 and a deficiency period consisting of the years 1983 through 1987. AER's proposed tariff sheets provide customers the option of paying the costs so allocated in a lump sum, or amortizing them over thirty-six months. In either event, customers' payments would be adjusted annually to reflect any refunds received by AER from producers, or any additional

settlement costs resulting from the resolution of claims pending on March 31, 1989.

AER's filing includes certain commercially sensitive data for which AER has requested confidential treatment. Accordingly, AER's filing includes a proposed protective order which, if approved by the Commission, would govern parties' access to the confidential materials. Copies of AER's filing, without this confidential data, have been served on affected jurisdictional customers and state regulatory commissions.

Any person desiring to be heard or to protest AER's filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and those portions of the filing for which AER has not sought confidential treatment are available for public inspection.

Lois D. Cashell,
Secretary.

Appendix A

First Revised Volume No. 1

Pro Forma Sheet No. 4D
Pro Forma Sheet No. 12K
Pro Forma Sheet No. 12L
Pro Forma Sheet No. 12M
Pro Forma Sheet No. 12N
Pro Forma Sheet No. 12O
Pro Forma Sheet No. 12P

Original Volume No. 3

Pro Forma Sheet No. 185.5
Pro Forma Sheet No. 188I
Pro Forma Sheet No. 188J
Pro Forma Sheet No. 188K
Pro Forma Sheet No. 188L
Pro Forma Sheet No. 188M
Pro Forma Sheet No. 188N

[FR Doc. 89-8671 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-61-000]

Bayou Interstate Pipeline System, Proposed Change in Rates

April 7, 1989.

Take notice that on March 31, 1989, Bayou Interstate Pipeline System (Bayou) tendered for filing as part of its

FERC Gas Tariff, Original Volume No. 1, (Tariff) Tenth Revised Sheet No. 4 to be effective May 1, 1989.

The proposed tariff sheet is filed pursuant to the Purchased Gas Cost Adjustment provisions contained in Section 15 of Bayou's tariff. A copy of this filing is being mailed to Bayou's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8672 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-115-000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

On March 30, 1989, CNG Transmission Corporation ("CNG") submitted for filing, as part of its FERC GAS Tariff Original Volume No. 1, the following tariff sheets: First Revised Sheet No. 90, Superseding Original Sheet No. 90; Original Sheet Nos. 91 through 93; First Revised Sheet No. 233, Superseding Original Sheet No. 233; and Original Sheet Nos. 234 through 237. These tariff sheets are being issued to implement CNG's Rate Schedule USA which was approved by order dated December 20, 1988, in Docket No. CP89-5-000.

CNG has requested that the Commission grant all waivers necessary to permit this filing to become effective as of January 1, 1989.

CNG states that copies of the filing were served upon all of the Volume No. 1 customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Practice

and Procedure (18 CFR 385.211, 385.214). All such motions or protests shall be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8673 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-133-000]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take Notice that Colorado Interstate Gas Company ("CIG"), on March 31, 1989, tendered for filing the following tariff sheets to revise its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 61G7
First Revised Sheet No. 61G8
Original Sheet No. 61G8-A
Original Sheet No. 61G11-A.

CIG states that the above-referenced tariff sheets are being filed to implement recovery, pursuant to the Commission's Order No. 500 and in conformance with the procedures proposed in CIG's March 2, 1989, filing in Docket No. RP89-98, of buyout-buydown costs incurred subsequent to CIG's March 2, 1989, filing. CIG states that, pursuant to the procedures established in Docket No. RP89-98, CIG will allocate its buyout-buydown costs between its jurisdictional and nonjurisdictional customers, absorb 50 percent of the jurisdictional portion of the buyout-buydown costs, and recover 50 percent of such costs through fixed surcharges applicable to its jurisdictional firm sales customers. CIG states that the total of the jurisdictional portion of the buyout-buydown costs related to this filing are \$3,239,599. Therefore, CIG is proposing to recover \$1,619,799 from its affected jurisdictional firm sales customers. This amount is in addition to the \$11,870,700, which CIG proposed to recover in its March 2, 1989, filing.

CIG has requested that the Commission accept this filing, to become effective April 1, 1989.

CIG states that copies of the filing were served upon all of its affected firm sales customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8674 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-116-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 31, 1989, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1:

One hundred and thirty-fifth Revised Sheet No. 16

Twenty-third Revised Sheet No. 16A2

First Revised Sheet No. 16B3
First Revised Sheet No. 16B4
First Revised Sheet No. 16B5
First Revised Sheet No. 68C
First Revised Sheet No. 68D
First Revised Sheet No. 68E
First Revised Sheet No. 68F.

Columbia states that the foregoing tariff sheets are being filed pursuant to Order No. 500 to enable Columbia to recover, through a combination of fixed monthly demand surcharges and a volumetric surcharge, 75 percent of approximately \$11.3 million of costs it has incurred to reform certain of its producer contracts. Columbia states that it is also submitting tariff language to implement the litigation exception provided for by Order No. 500-F.

In its tariff filing, Columbia proposes to recover 25 percent of the subject contract reformation costs through fixed monthly demand surcharges, to absorb the same amount, and to institute a volumetric surcharge designed to provide it the opportunity to recover the remaining 50 percent of the subject costs. Columbia proposes to amortize the principal amounts underlying both the fixed demand surcharges and the volumetric surcharge over a five-year period and to apply interest to the

unamortized balances in accordance with 18 CFR 154.67. Columbia states that in its filing it does not seek recovery of any reformation costs that are attributable to section 107 gas supplies under contracts that fit the Commission's imprudence and abuse findings in Docket Nos. TA81-1-21, *et al.*, or that are attributable to periods prior to April 1, 1987.

For purposes of the fixed monthly demand surcharge, Columbia under the proposed tariff sheets would allocate costs based on a comparison of its customers' average annual firm purchase levels for the period 1983 through 1986 with their average annual firm purchase levels in base period years 1981 and 1982. As support for its cost of service, exclusive of the contract reformation costs, Columbia incorporates by reference its September 30, 1986, section 4(e) filing in Docket No. RP86-168, *et al.*, as revised by filings dated February 27, 1987, and July 31, 1987, as well as Columbia Gulf Transmission Company's initial and revised filings in Docket No. RP86-167.

Columbia states that the proposed 25/25/50 cost-sharing and recovery mechanism would be applicable to the total of approximately \$11.3 million of contract reformation costs specified in the filing, as well as to costs in any future Columbia filings pursuant to the litigation exception. Columbia requests that the proposed tariff sheets be permitted to become effective May 1, 1989, and be suspended for the full five month statutory suspension period such that the rates will take effect October 1, 1989.

Pursuant to § 388.112 of the Commission's Regulations, Columbia has requested that the Commission treat certain contract reformation information and data as commercially sensitive and confidential data, the disclosure of which would be harmful to Columbia. Due to the highly confidential and proprietary nature of the information contained in the "Privileged Binder," Columbia submits that access to the contents thereof be limited to parties other than producers, royalty owners, and interstate pipelines to this proceeding. Columbia will maintain copies of the Privileged Binder at its Charleston, West Virginia, and Washington, DC, offices for parties other than producers, royalty owners, and interstate pipelines to review, subject to appropriate protective conditions. Columbia submits that a protective order of the nature of the one issued by the Presiding Judge in Columbia's Docket No. RP88-207 would be appropriate.

Copies of the filing, except the Privileged Binder, were served upon Columbia's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88-8675 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

El Paso Natural Gas Co.; Update Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, El Paso Natural Gas Company ("El Paso") tendered for filing and acceptance, in accordance with sections 21 and 22, Take-or-Pay Buyout and Buydown Cost Recovery, of the General Terms and Conditions in El Paso's FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 1-A, respectively, certain tariff sheets which reflect a revision to its rates and charges based on updated actual and estimated buyout and buydown costs, the inclusion of actual accrued interest and certain adjustments to the Order No. 500 Special Surcharge, subject to recover under said sections 21 and 22.

El Paso also tendered for filing and acceptance, pursuant to Part 154 and § 2.104(e) of the Commission's Regulations, certain tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1 which, when accepted by the Commission and permitted to become effective, will establish the procedures by which El Paso will flow through to its sales customers, as prescribed by Order No. 500, the fixed take-or-pay charges billed to El Paso, as a downstream pipeline, by an upstream pipeline supplier. On March 17, 1989, Valero Interstate Transmission Company ("Valero") invoiced El Paso for El Paso's

share of Valero's take-or-pay cost recovery. El Paso has paid such invoice and is flowing through the charges in accordance with the proposed provisions in El Paso's Tariff.

El Paso also modified certain language to reflect that its buyout and buydown payments include costs which El Paso has paid or estimates it will actually pay by December 31, 1989 rather than September 30, 1989.

El Paso states that the proposed tariff sheets provide for recovery of expenses incurred by El Paso to litigate take-or-pay and similar claims by its producer/suppliers.

El Paso states that it has reflected certain payments El Paso considered to be made in settlement of pricing disputes and requested the Commission to determine in this proceeding whether these amounts constitute buyout and/or buydown costs.

El Paso further states that it is tendering those Statement of Rates tariff sheets, to become effective May 1, 1989, which reflect revised rates and charges for the additional buyout and buydown payments which El Paso has already paid or estimates it will commence paying by December 31, 1989 and actual accrued interest through January 31, 1989.

Pursuant to § 21.6 of El Paso's Volume No. 1 Tariff, El Paso is required to submit to the Commission certain information supporting the buyout and/or buydown amounts paid. Accordingly, El Paso states that it is submitting concurrently, under separate cover letter, the schedules reflecting such information for which El Paso has requested confidential treatment.

El Paso respectfully requested that the Commission grant such waivers of its applicable rules and regulations as may be necessary to permit the tendered tariff sheets to become effective May 1, 1989.

Copies of the filing were served upon all parties of record in Docket No. RP 88-184-000 and, otherwise, upon all interstate pipeline system sales customers and shippers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8676 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-34-001]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, Florida Gas Transmission Company (FGT) tendered for filing the following tariff sheets to its FERC Gas Tariff, to be effective May 1, 1989.

FERC Gas Tariff, First Revised Volume No. 1
Substitute Third Revised 37th Revised Sheet
No. 8

FERC Gas Tariff, Original Volume No. 2
Substitute Third Revised 59th Revised Sheet
No. 128

Pursuant to § 154.305(c)(iii)(4), FGT has filed the above referenced tariff sheets to reflect a revision to the current adjustment contained in FGT's Annual PGA in Docket No. TA 89-1-34-000, effective May 1, 1989. FGT states that the proposed tariff sheets reflect an increase in the average cost of purchased gas due to recent increases in the price of No. 6 fuel oil.

FGT states that the current adjustment, contained herein, reflects FGT's revised projected cost of gas for the period May 1, 1989-July 31, 1989. As shown on Schedule Q1, FGT anticipates an increase to \$2.1054/MMBtu saturated from \$1.9990/MMBtu saturated reflected in the February 28, 1989 filing.

FGT also states that the effect of this adjustment in purchased gas cost is an increase of 1.076¢/therm for Rate Schedules G and I and .31¢/Mcf for Rate Schedule T-3, as measured against the original filing.

FGT further states that the effect of the adjustment in purchased gas costs is a decrease of 3.155¢/therm for Rate Schedule G and I and 1.44¢/Mcf for Rate Schedule T-3 as measured against the Quarterly PGA contained in TQ89-3-34-000 effective February 1, 1989.

FGT states that copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, First Revised Volume No. 1, Original Volume No. 2 and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8677 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-14-004]

Inter-City Minnesota Pipelines Ltd., Inc.; Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, Inter-City Minnesota Pipelines Ltd., Inc. ("Inter-City"), 245 Yorkland Boulevard, North York, Ontario, Canada M2J 1R1, tendered for filing a revised tariff sheet to its FERC Gas Tariff.

Original Volume No. 1

Second Substitute Thirty-Second Revised Sheet No. 4

Inter-City states that the revised tariff is filed pursuant to § 154.67 of the Commission's Regulations, and also complies with the Commission's orders issued in this docket on November 30, 1988 and March 28, 1989. Inter-City proposes the sheet to become effective May 1, 1989.

Inter-City states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8678 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TQ89-2-45-000]

Inter-City Minnesota Pipelines Ltd., Inc.; Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, Inter-City Minnesota Pipelines Ltd., Inc. ("Inter-City"), 245 Yorkland Boulevard, North York, Ontario, Canada M2J 1R1, tendered for filing a revised tariff sheet to Original Volume No. 1 of its FERC Gas Tariff to be effective May 1, 1989:

Original Volume No. 1

Thirty-Third Revised Sheet No. 4

Inter-City states that this revised tariff sheet is filed as Inter-City's quarterly PGA pursuant to Order Nos. 483 and 483-A.

Inter-City states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8679 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP87-86-006, RP86-11-003, RP85-11-020]

K N Energy, Inc.; Proposed Change in FERC Gas Tariff

April 7, 1989.

Take notice that on K N Energy, Inc. ("K N") on March 30, 1989 tendered for filing a revised tariff sheet reflecting changes in the Form of Service Agreement in compliance with the

Commission's February 17, 1989 Order approving offer of settlement subject to modifications. The proposed effective date for this tariff sheet is February 17, 1989.

Copies of the filing were served upon K N's jurisdictional customers, and interested public bodies.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before April 14, 1989, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8680 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA89-1-25-000]

Mississippi River Transmission Corp.; Rate Change Filing

April 7, 1989.

Take notice that on March 31, 1989, Mississippi River Transmission Corporation (MRT) tendered for filing, to be effective June 1, 1989, Thirty-Second Revised Sheet No. 4 to its FERC Gas Tariff, Second Revised Volume No. 1. MRT states that this filing constitutes MRT's second annual purchased gas cost adjustment filing pursuant to Section 154.305 of the Commission's Regulations and section 17 of the General Terms and Conditions of MRT's FERC Gas Tariff, Second Revised Volume No. 1. MRT states that the filing is being submitted both to track pipeline and producer cost changes and to recover gas costs which have accumulated in MRT's Unrecovered Purchase Gas Cost Account.

MRT states that the overall cost impact of the PGA rate changes set forth on Thirty-Second Revised Sheet No. 4 on MRT's jurisdictional customers, when applied to quarterly billing determinants, is a decrease of approximately \$1.5 million. Specifically,

the impact of the instant filing on MRT's Rate Schedule CD-1 rates is a decrease of 26.90 cents per Mcf in the Demand Charge D-1 component, an increase of 2.13 cents per Mcf in the Demand Charge D-2 component, and a decrease of 10.37 cents per Mcf in the commodity charge. The single part rate under Rate Schedule SGS-1 reflects a decrease of 10.84 cents Mcf.

MRT states that copies of its filing have been served on all jurisdictional customers and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 4, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8681 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-94-019]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

April 7, 1989

Take notice that on March 31, 1989, Natural Gas Pipeline Company of America (Natural) submitted for filing Fourth Revised Sheet Nos. 169 and 170 to be a part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective May 1, 1989.

Natural states that the purposes of this filing are to: (1) Recover additional take-or-pay buyout and buydown and contract reformation costs (transition costs) incurred since Natural's previous filing made on January 27, 1989 under Docket No. RP88-94-015; (2) recover accrued interest for the months of March and April 1989 on transition costs previously included for recovery in Natural's prior filings; (3) comply with ordering paragraphs (B) and (D) of the Order Technical Conference issued March 24, 1989 under Docket Nos. RP88-94-000 and -001 which required that Natural revise its calculation of purchase deficiencies by i) eliminating

the interruptible sales volumes from the Comparison Period, ii) reflecting the same rate schedules in both the Base and Comparison Periods and iii) eliminating the effects of the 1988 partial year previously included in the Comparison Period; and (4) make certain technical corrections respecting costs previously included for recovery. Natural reserves the right to make additional filings to reflect costs associated with contracts in litigation or arbitration on March 31, 1989.

Finally Natural requests that the Commission grant any waivers it deems necessary to allow the tariff sheets to become effective May 1, 1989. A copy of the filing was mailed to Natural's jurisdictional customers, interested state regulatory agencies, and all parties set out on the official service list in Docket No. RP88-94-000.

Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR § 385.214 and 385.211. All such motions or protests must be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8682 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-174-002 and RP88-195-003]

Northern Border Pipeline Co.; of Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of Northern Border Pipeline Company's F.E.R.C. Gas Tariff, Original Volume No. 1, the following original and revised tariff sheets:

First Revised Sheet No. 160
Second Revised Sheet No. 161
Third Revised Sheet No. 163
Original Sheet No. 163a

These tariff sheets were filed in compliance with the Commission's March 16, 1989 order in Docket Nos. RP88-174-001 and RP88-195-002. Northern Border requests that Sheet

Nos. 160, 161, and 163a be effective on January 1, 1989 consistent with the effective date of the Interim Settlement approved in the Commission's March 16 order and that Third Revised Sheet No. 163 be effective on May 1, 1989. Copies of this filing have been sent to all Rate Schedule IT-1 Shippers and parties of record.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.11, 385.214). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois Cashell,

Secretary.

[FR Doc. 89-8693 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-137-000]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, Northwest Pipeline Corporation (Northwest) filed the following tariff sheets as part of its FERC Gas Tariff, Volume Nos. 1, 1-A and 2, to be effective May 1, 1989:

First Revised Volume No. 1
Fiftieth Revised Sheet No. 10
Twenty-Seventh Revised Sheet No. 10-A
Original Sheet No. 12
Second Revised Sheet No. 100
Original Sheet No. 133-A
Original Sheet No. 133-B
Original Sheet No. 133-C
Original Sheet No. 133-D
Original Sheet No. 133-E
Original Sheet No. 133-F
Original Sheet No. 133-G
Original Sheet No. 133-H

Original Volume No. 1-A

Fifth Amended Fifteenth Revised Sheet No. 201
Second Revised Sheet No. 302
Third Revised Sheet No. 313
Third Revised Sheet No. 400
First Revised Sheet No. 429
Original Sheet No. 429-A
Original Sheet No. 429-B
Original Sheet No. 429-C

Original Volume No. 2

Seventh Revised Sheet No. 2.3

Northwest states that these tariff sheets are filed pursuant to the Commission's Order No. 500 and section 2.104 of the Commission's regulations to establish a mechanism for the equitable sharing of buyout and buydown costs totalling \$76,930,231.58 incurred by Northwest to realign and reform contracts with gas suppliers. Northwest proposes to recover such costs 25 percent through fixed monthly charges amortized over 3 years, 50 percent through a volumetric surcharge amortized over 5 years, with the remaining 25 percent absorbed by Northwest.

A copy of this filing is being served on all affected customers and affected state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8684 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-2-41-000]

Paiute Pipeline Co.; Proposed Change in FERC Gas Tariff

April 7, 1989.

Take notice that Paiute Pipeline Company (Paiute) on March 31, 1989, tendered for filing pursuant to Part 154 of the Commission's regulations, a Quarterly Adjustment in Rates for jurisdictional gas service rendered to sales customers served under rate schedules affected by and subject to the PGA provisions contained in section 9 of the General Terms and Conditions of Paiute's FERC Gas Tariff, Original Volume No. 1.

Paiute tendered three alternative tariff sheets setting forth its statement of rates to be collected for sales made under its

FERC Gas Tariff, Original Volume No. 1. Paiute states that these alternative tariff sheets are being proposed because as of the above filing date, the appropriate level of Paiute's base tariff rates that is to be incorporated into its filing is subject to Commission action upon two rate filings by Paiute that are presently pending in Paiute's general rate change proceeding in Docket No. RP88-227.

Paiute states that its Alternative One reflects the Gas Cost Adjustment applied to the base tariff rates reflected in the primary rates proposed in Paiute's March 13, 1989 (Docket No. RP88-227-011 emergency rate filing which is pending. Alternative Two reflects the Gas Cost Adjustment applied to the base tariff rates reflected in Alternative Three of Paiute's February 10, 1989 (Docket No. RP88-227-009) filing, which is also pending. Alternative Three reflects the Gas Cost Adjustment applied to the presently approved base tariff rates and only reflects changes in Paiute's costs of purchased gas from the rates approved by the Commission in Paiute's last quarterly PGA filing in Docket No. TQ89-1-41-000.

The proposed effective date for the tendered tariff sheets is May 1, 1989.

Copies of the filing were served on Paiute's jurisdictional sales customers, interested parties and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8685 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-120-000]

Questar Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989,

Questar Pipeline Company tendered for filing as part of First Revised Volume No. 1 of its FERC Gas Tariff, Twentieth Revised Sheet No. 12, Second Revised Sheet No. 12-A, Second Revised Sheet No. 17 and Original Sheet Nos. 17-A through 17-C.

Questar Pipeline states that the tariff sheets are being filed to incorporate a take-or-pay buyout and buydown cost-recovery mechanism pursuant to 18 CFR 2.104 and in accordance with the Commission's Order No. 500. Under the proposed filing, Questar Pipeline will absorb 25 percent of certain buyout and buydown costs, recover 25 percent of such costs through a fixed monthly charge and recover the remaining 50 percent through a commodity-rate surcharge. Questar Pipeline further states that its take-or-pay cost recovery proposal is applicable to sales service provided to Mountain Fuel Supply Company (Mountain Fuel), its sole sale-for-resale customer, under Rate Schedule CD-1.

Questar Pipeline explains that the total buyout and buydown costs related to this tariff filing are \$3,331,315, and that it proposes to recover \$2,498,486 from Mountain Fuel.

Questar Pipeline has requested that the Commission accept this filing, to become effective May 1, 1989. Questar Pipeline states that copies of the filing were served upon Mountain Fuel and the Public Service Commissions of Utah and Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8686 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-6-003]

Sea Robin Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, Sea Robin Pipeline Company (Sea Robin) tendered for filing the following tariff sheet:

*Original Volume No. 1**Original Sheet No. 4.1*

Sea Robin proposes an effective date for the above referenced tariff sheet of January 1, 1989. This tariff sheet is being filed to provide for the direct billing of Sea Robin's over- or underrecovered gas costs through December 31, 1988, to each of Sea Robin's sales customers, all as authorized by the Commission on February 14, 1989.

Sea Robin states that this tariff sheet is being filed to eliminate Sea Robin's FERC Account No. 191 balance through the direct billing of 50 percent of the adjusted total balance (beginning January 1, 1989) to each of its sales customers.

Sea Robin states that the tariff sheet and supporting data are being mailed to its jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or Protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before April 14, 1989.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8687 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-267-006]

South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, South Georgia Natural Gas Company (South Georgia) tendered for filing the following alternate tariff sheets to its FERC Gas Tariff to be effective October 1, 1988:

Second Revised Substitute Original Sheet No. 4C

Alternate Second Revised Substitute Original Sheet No. 4C

South Georgia states that the proposed tariff sheets are being submitted in compliance with the letter order issued on March 1, 1989 by the Director, Office of Pipeline and Producer Regulation in Docket No. RP88-267-004, South Georgia's proceeding to flow through take-or-pay buy-out and buy-down charges allocated to it by Southern Natural Gas Company. The alternate tariff sheet reflects the removal of hardship adjustments proposed by South Georgia for certain of its customers. These hardship adjustments have been removed without prejudice to South Georgia's right to reimplement those adjustments at a subsequent time.

Copies of South Georgia's filing were served upon all its jurisdictional purchasers and interested state commissions, as well as the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's rules of Practice and Procedure (§§ 385.214, 385.211). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the commission and are available for public inspections.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8689 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-2-8-002]

South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, South Georgia Natural Gas Company ("South Georgia") tendered for filing Original Sheet No. 4.1 and Substitute Fiftieth Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1. The tariff sheets are being filed with a proposed effective date of January 1, 1989.

South Georgia states that the proposed tariff sheets are submitted in

compliance with the commission's order of March 1, 1989, in Docket No. TQ89-2-8-001. The March 1st order directed South Georgia to file revised PGA rates within thirty (30) days of the issuance of the order. The tariff filing was to reflect the appropriate rates of its pipeline supplier, Southern Natural Gas Company ("Southern"), for each of its customers depending upon whether such customer is a consenting or non-consenting party to the Southern Base Stipulation and Agreement in Docket No. RP83-58, *et al.*, dated November 23, 1988 and accepted by the Commission on January 27, 1989.

South Georgia states that copies of the filing will be served upon all of South Georgia's jurisdictional purchasers and interested state commissions as well as the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8690 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-58-016]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, Southern Natural Gas Company (Southern) tendered for filing the following proposed tariff sheets to Sixth Revised Volume No. 1 of its FERC Gas Tariff, with a proposed effective date of December 1, 1988:

Original Sheet No. 4B.1

Original Sheet No. 45S.1

Southern states that the proposed tariff filing is being made in compliance with Ordering Paragraph (B) of the Federal Energy Regulatory Commission's (Commission) order of March 23, 1989, in the above-captioned

proceeding requiring Southern to file additional tariff sheets containing the pre-settlement sales rates to be applicable to persons contesting Southern's settlement during the period the interim settlement is in effect.

Any person desiring to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8688 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-2-8-000]

South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, South Georgia Natural Gas Company (South Georgia) tendered for filing the following alternate tariff sheets to its FERC Gas Tariff to be effective April 1, 1989:

Third Revised Substitute Original Sheet No. 4C

Alternate Third Revised Substitute Original Sheet No. 4C

South Georgia states that the proposed alternate tariff sheets are being filed to flow through to its customers an additional \$23,738.00 in take-or-pay buy-out and buy-down costs allocated to it by Southern Natural Gas Company pursuant to its filing in Docket No. TM89-2-7-000. The alternate tariff sheet reflects the removal of hardship adjustments proposed by South Georgia for certain of its customers. These hardship adjustments have been removed without prejudice to South Georgia's right to reimplement those adjustments at a subsequent time.

Copies of South Georgia's filing were served upon all of its jurisdictional purchasers and interested state commissions, as well as the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure §§ 385.214, 385.211. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8691 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-126-000]

Southern Natural Gas Co.; Proposed Change in FERC Gas Tariff

April 7, 1989.

Taken notice that on March 31, 1989, Southern Natural Gas Company (Southern) tendered for filing the following proposed tariff sheet to Sixth Revised Volume No. 1 of its FERC Gas Tariff, with a proposed effective date of May 1, 1989:

Second Revised Sheet No. 45Q

Southern states that the proposed tariff sheet adds language to Section 22 (Buy-Out-and-Buy-Down Mechanism) of Southern's Tariff permitting Southern to file to recover under the Commission's Order No. 500 procedures costs associated with contracts in litigation as of March 31, 1989, consistent with the Commission's Order Nos. 500-F and 500-G and subject to the provisions of the Stipulation and Agreement in Docket Nos. RP83-58, *et al.*

Any person desiring to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8692 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-228-013]

Tennessee Gas Pipeline Co.; FERC Gas Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, Tennessee Gas Pipeline Company (Tennessee) filed certain sheets to be included in its FERC Gas Tariff.

Tennessee states that these tariff sheets are filed in compliance with the Commission's Order on Rehearing issued in the referenced proceeding on January 31, 1989 (46 FERC ¶ 61,113). That order required Tennessee's firm sales and transportation customers to submit new D2 nominations to Tennessee by March 2, 1989 and Tennessee to file revised rates reflecting these nominations by March 31, 1989 to be effective May 1, 1989. Accordingly, Tennessee states that the rates shown on the revised tariff sheets reflect the new D2 nominations.

Tennessee states that in revising its rates based on the new nomination of its customers, Tennessee has adjusted its firm sales and firm transportation throughput volumes to reflect that certain customers have nominated D2 levels which are less than the commodity throughput levels Tennessee used to design the proposed commodity throughput levels Tennessee used to design the proposed commodity rates in its August 1, 1988 filing.

Tennessee states that on March 9, 1989, Tennessee filed an Interim Stipulation and Agreement (Interim Stipulation) in this proceeding which has the support of or is not opposed by substantially all of the active participants. If approved by the Commission, Tennessee will place into effect for an interim period February 1, 1989 through October 31, 1989 rates which are identical to the rates in effect for January 1989. Thus, the D2 nominations and the rates reflected in the instant filing will not be effective until November 1, 1989. Tennessee endorses several customers' request that the time for making D2 nominations on Tennessee's system be delayed in light of the settlement proposal and certain pending requests for rehearing.

Tennessee also requests that the Commission grant any waivers it deems necessary to accept the revised tariff sheets.

Tennessee states that copies of the filing have been mailed to all parties in this proceeding, affected customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6693 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-191-008]

Tennessee Gas Pipeline Co.; FERC Gas Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, Tennessee Gas Pipeline Company (Tennessee) filed the following tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff:

Second Revised Sheet Nos. 40 through 44

Second Revised Sheet No. 245A

Tennessee states that Second Revised Sheet Nos. 40 through 44 set forth the Take-or-Pay Demand Rate Surcharge for each of Tennessee's Rate Schedule CD, G and GS customers to be effective May 1, 1989. Additionally, Second Revised Sheet No. 245A reflects that, by Order of December 16, 1988, as modified January 3, 1989, in Docket Nos. RP86-119, *et al.* (45 FREC ¶ 61,431, modified, 46 FREC ¶ 61,021), the Commission extended the "sunset date" applicable to recovery of Tennessee's take-or-pay costs to March 31, 1989 and, further, provided that the "sunset date" would not apply to the recovery of costs associated with Tennessee's gas contracts in litigation as of that date.

Tennessee states that the Take-or-Pay Demand Rate Surcharge reflected in this filing is based on fifty percent of the non-affiliate, non-recoupable take-or-pay and contract reformation costs paid by Tennessee on or before March 31, 1989 or which are known and measurable within nine months of that date. These costs include (i) the amounts Tennessee has commenced recovery of pursuant to its June 10, 1988 filing in this proceeding, representing costs incurred through May 31, 1988, (ii) the amounts Tennessee has commenced recovery of pursuant to its November 30, 1988 filing

in this proceeding, representing costs incurred during the period June 1, 1988 through November 30, 1988, and (iii) \$197,452,301, representing amounts incurred during the period December 1, 1988 through March 31, 1989 or known and measurable as of March 31, 1989. Additionally, in accord with § 4.2 of Article XXX of the General Terms and Conditions of Tennessee's tariff, the surcharge reflects carrying charges on costs incurred as of November 30, 1988 calculated at the FERC rate. The calculation of each customer's surcharge reflects the customer's election of an amortization period pursuant to § 4.1 of Article XXX.

Tennessee has indicated in its filing that Article I, Section 8 b. of the October 14, 1987 Stipulation and Agreement in Tennessee, Docket Nos. RP86-119, *et al.* provides that all reports filed describing the costs to be recovered pursuant to the Stipulation will be subject to the protective order attached as Appendix D to the Stipulation. In accord with the terms of the protective order, Tennessee is filing the material supporting the calculation of the Take-or-Pay Demand Rate Surcharge in a sealed envelope which indicates that it is not to be placed in the Commission's public files. Tennessee has further indicated that it will provide a copy of the supporting material to each reviewing representative of each reviewing party that has executed and delivered to Tennessee a certificate in the form provided in the protective order. To expedite this process, Tennessee is sending each eligible reviewing party a copy of the certificate to be executed concurrently with this filing.

Tennessee is also submitting under separate cover to the Commission copies of each settlement agreement and summaries of each settlement applicable to costs incurred during the period November 30, 1988 through March 31, 1989. Copies of the settlement agreements reflecting payment of the costs shown in this filing as known and measurable will be provided when they are available.

Tennessee requests that the Commission grant any waivers it deems necessary.

Tennessee states that copies of the filing have been mailed to all parties in this proceeding, affected customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such

motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6694 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-2-53-000]

Texas Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, Texas Gas Pipe Line Corporation (TGPL) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 (Tariff), the below listed tariff sheet to be effective May 1, 1989.

Twenty-Fifth Revised Sheet No. 4a

TGPL states that the purpose of the instant filing is to reflect rate adjustments pursuant to section 12 of the General Terms and Conditions of TGPL's Tariff (Purchased Gas Cost Adjustments). Specifically, Twenty-Fifth Revised Sheet No. 4a reflects a net decrease in the purchase gas rate to 175.98¢/Mcf yielding a proposed total rate of 205.45¢/Mcf (at 14.65 psia).

Copies of the filing were served upon TGPL's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-6697 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-119-000]

**Texas Gas Transmission Corp.;
Proposed Changes in FERC Gas Tariff**

April 7, 1989.

Take notice that on March 31, 1989, Texas Gas Transmission Corporation (Texas Gas) tendered for filing changes to its FERC Gas Tariff, Original Volume No. 1, Original Volume No. 2-A, Original Volume No. 3, and its FPC Gas Tariff, Original Volume No. 2. The proposed tariff sheets, of the filing, are being filed in order to implement recovery of a portion of \$144.4 million in Take-or-Pay Settlement Payments incurred by Texas Gas pursuant to the procedures established in the Commission's Order No. 500. Specifically under those procedures, Texas Gas is proposing to absorb 25% (approximately \$36.1 million) of the Take-or-Pay Settlement Payments, recover 25% (approximately \$36.1 million) through a monthly fixed charge applicable to each of its current firm sales customers, and recovery the maintaining 50% (approximately \$72.2 million) of such payments through a volumetric or commodity surcharge to be applicable to all of Texas Gas's throughput, including both sales and transportation volumes.

The filing is made without prejudice to a similar filing or filings which Texas Gas may make at a later date for the purpose of recovering additional Take-or-Pay Settlement Payments under the Commission's equitable sharing mechanism should the Commission extend the time for use of that mechanism. The filing also includes tariff language to allow for recovery of additional costs resulting from contracts in litigation as of March 31, 1989. Texas Gas also reserves the right to revise the filing as necessary to reflect any modifications made by the Commission or as required by any appellate court.

Texas Gas requests an effective date of May 1, 1989, for the proposed tariff sheets. Texas Gas further states that it has served copies of this filing upon the company's sales and transportation customers and interested state commissions.

Finally, Texas Gas has filed detailed support for the costs included in the filing in a Confidential Binder, for which it has requested privileged treatment, pursuant to the provisions of Section 388.112 of the Commission Regulations. In order to expedite this proceeding and to permit interested parties access to such confidential information, Texas Gas has submitted with the public filing a proposed protective order. Due to the highly confidential and proprietary nature of the information contained in

"Confidential Binder A," Texas Gas requests that access to the contents thereof be limited pursuant to the terms of the protective order.

Texas Gas will maintain copies of Confidential Binder A at its Owensboro, Kentucky, offices and in the offices of Andrews & Kurth, in Washington, DC, for review by the appropriate parties, subject to the terms of the protective order.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing, exclusive of Confidential Binder A, are on file with the Commission, and are available for public inspection in the Public Reference Room. A copy of this filing, including Confidential Binder A, is in the non-public file with the Commission.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8698 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-2-18-000]

**Texas Gas Transmission Corp.;
Proposed Changes FERC Gas Tariff**

April 7, 1989.

Take notice that on March 31, 1989, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1: Sixteenth Revised Sheet No. 10, Sixteenth Revised Sheet No. 10A.

Texas Gas states that these tariff sheets reflect changes in purchased gas costs pursuant to the Quarterly Rate Adjustment Provision of the Purchased Gas Adjustment clause of Texas Gas's FERC Gas Tariff and are proposed to be effective May 1, 1989.

Copies of the filing were served upon Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214

and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8699 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-2-17-000]

**Texas Eastern Transmission Corp.;
Proposed Changes in FERC Gas Tariff**

April 7, 1989.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 31, 1989 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Thirteenth Revised Sheet No. 50
Tenth Revised Sheet No. 50A
Tenth Revised Sheet No. 50B
Tenth Revised Sheet No. 50C
Tenth Revised Sheet No. 50D

Texas Eastern states that this filing is made pursuant to Section 23, Purchased Gas Cost Adjustment, contained in the General Terms and Conditions of Texas Eastern's FERC Gas Tariff and pursuant to the Commission's Regulations governing PGA filings as promulgated by its Order No. 483. Texas Eastern states that this filing constitutes Texas Eastern's regular quarterly filing to be effective May 1, 1989. In compliance with § 154.308(b)(2) of the Commission's Regulations, a report containing detailed computations which clearly show the derivation of the current adjustment to be applied to Texas Eastern's effective rates is attached and enclosed in 9-track computer tape format as prescribed by FERC Form No. 542-PGA (Revised) for formal filing with the Commission.

Texas Eastern states that the changes proposed in this filing consist of current adjustments as follows for the components of Texas Eastern's sales rates:

Rate component	Current adjustment
Commodity.....	\$(0.1919)/dth.
Demand-1.....	\$.052/dth.

Rate component	Current adjustment
Demand-2.....	\$(0.260)/dth.

Texas Eastern states that these current adjustments represent the change in Texas Eastern's projected quarterly cost of purchased gas from Texas Eastern's last scheduled PGA filing on December 30, 1988 in Docket No. TA89-1-17-001. The Demand-1 current adjustment reflects increases in Demand-1 charges by pipeline suppliers, Southern Natural Gas Company and Texas Gas Transmission Corporation.

Texas Eastern states that this filing reflects the removal from Texas Eastern's rates of all Demand-2 charges by United Gas Pipe Line Company (United), as was also done in the proposed April 1, 1989 Interim PGA filing for the month of April, 1989. Texas Eastern states that at the time of such Docket No. TA89-1-17-001 filing, Texas Eastern had a reasonable expectation, based on the perceived progress of settlement discussions between Texas Eastern and United regarding United's rate cases and a restructuring of Texas Eastern's existing agreement with United, that Texas Eastern would change its current United D-2 nomination of zero. Subsequent to such Docket No. TA89-1-17-001 filing, negotiations with United have not progressed favorably and Texas Eastern no longer anticipates a D-2 nomination with United higher than zero during the foreseeable future.

Texas Eastern states that the gas quantity determinants used in this Quarterly PGA filing are based upon a telephone market survey by Texas Eastern of its major customers, which was conducted at the end of March, 1989. In this survey Texas Eastern requested projections by the customers of their purchases from Texas Eastern for the three month period, May 1, 1989-July 31, 1989. To the extent a customer provided Texas Eastern a volume-specific projection, Texas Eastern has utilized that volume. In the event the customers provided a volume range, Texas Eastern has utilized a volume projection between the high and low volume provided by the customer.

The proposed effective date of the above tariff sheets is May 1, 1989.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before 4/14/89. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8696 Filed 9-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES89-19-000]

Texas-New Mexico Power Co.; Application

April 6, 1989.

Take notice that on March 15, 1989, Texas-New Mexico Power Company, filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking authority to issue not more than \$30 million of First Mortgage Bonds.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.11 and 385.214). All such motions or protests should be filed on or before April 28, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8695 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-4-29-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco)

tendered for filing on March 31, 1989, the following tariff sheets to its FERC Gas Tariff Second Revised Volume No. 1. Such sheets are proposed to be effective May 1, 1989.

Fifty-Seventh Revised Sheet No. 12

Fifty-Fourth Revised Sheet No. 15

Thirteenth Revised Sheet No. 15-A

The proposed tariff sheets reflect an overall rate increase as compared to the currently effective rates of 145.3¢ per dt in the commodity charge under the CD, G, OG, PS, E, ACQ and S-2 Rate Schedules.

Transco states that the increase of 145.3¢ per dt relates to the current gas portion of commodity rates. The instant PGA filing reflects a projected average cost of gas of 420.13¢ per dt for the quarter period May 1, 1989, through July 31, 1989.

Transco further states that it has filed the necessary schedules in order to comply with § 154.305 and FERC Form 542. Transco has also filed a 9-track magnetic tape as required by FERC Form 542.

Transco states that copies of the instant filing are being mailed to its jurisdictional customers and interested State Commissions. In accordance with the provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8700 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-122-000]

**Transcontinental Gas Pipe Line Corp.;
Tariff Filing**

April 6, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on March 31, 1989 tendered for filing, pursuant to Order 500-F, certain revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff, which tariff sheets are included in Appendix A attached to the filing. The proposed effective date of the revised sheets is May 1, 1989.

Transco states that the purpose of its tariff filing is to provide a new section 32 to the General Terms and Conditions of Second Revised Volume No. 1 under which Transco is proposing to implement a PSP-II recovery mechanism to provide for the partial recovery of approximately \$50.4 million of producer buyout and buydown settlement payments. Such tariff sheets establish a Fixed Monthly PSP-II Charge designed to recover 25% of the PSP-II amounts through a direct billed charge and a Commodity PSP-II Charge designed to recover 50% of the PSP-II amounts through a commodity surcharge on all pipeline throughput. The remaining 25% is to be absorbed by Transco. The PSP-II costs are proposed to be recovered over a four year amortization period beginning May 1, 1989 through April 30, 1993.

Transco further states that copies of the instant filing are being mailed to its jurisdictional customers, State Commissions and interested parties. In accordance with the provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8701 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-123-000]

**Transcontinental Gas Pipe Line Corp.;
Proposed Changes in FERC Gas Tariff**

April 6, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on March 31, 1989 certain tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1. The proposed effective date of these tariff sheets is May 1, 1989.

Transco states that the purpose of its tariff filing is to provide a new section 33 to the General Terms and Conditions of Second Revised Volume No. 1 which sets forth procedures by which Transco will reflect charges associated with the recovery under the alternative passthrough mechanism of Order 500 of amounts expended or to be expended by Transco as a result of judgments or settlements of contracts in litigation or arbitration on March 31, 1989, pursuant to Order No. 500-F.

Transco states that copies of the instant filing are being mailed to its jurisdictional customers and interested State Commissions. In accordance with the provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8702 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-128-000]

**Transwestern Pipeline Co., Division of
Enron Corp.; Filing**

April 7, 1989.

Take notice that on March 31, 1989, Transwestern Pipeline Company tendered for filing to become a part of Transwestern's F.E.R.C. Gas Tariff, Second Revised Volume No. 1, to be effective May 1, 1989:

3rd Revised Sheet No. 29
1st Revised Sheet No. 29A
2nd Revised Sheet No. 30H
4th Revised Sheet No. 32
1st Revised Sheet No. 32A
2nd Revised Sheet No. 34H
1st Revised Sheet No. 60

Transwestern proposes to eliminate the requirements under section 3 of Rate Schedules FTS-1 and ITS-1, that it provide Buyers with notification twenty-four (24) hours prior to, and written verification five (5) days following, the effective date of discounted rates. Transwestern has established an electronic bulletin board in response to Order No. 497 to communicate such pricing information, as well as information relating to available capacity contemporaneously to all potential Shippers, obviating the need for notification by other means.

Section 5 of Rate Schedules FTS-1 and ITS-1 have been modified to require Buyers to nominate transportation service two (2) days in advance of the first day of a month and make all Buyer nomination time periods exclusive of Saturdays, Sundays and holidays. In addition, a new provision has been added to the section to provide Transwestern with the ability to schedule transportation nominations outside the established time period where capacity remains available after gas has been scheduled or as the result of an operational or weather situation. Such modifications (1) will afford Transwestern the time needed to schedule and coordinate with other pipeline companies the influx of transportation activity that accompanies a new month; (2) clarify that transportation must be nominated by Buyers during Transwestern's standard working hours; and (3) provide greater flexibility in the scheduling of transportation nominations to accommodate last minute changes that can occur in pipeline operations, supply or markets.

Finally, Transwestern proposes to modify its established schedule for

meter testing as set forth in Section 5.6 of the General Terms and Conditions of its Tariff. The monthly testing of measuring equipment is much too frequent. Transwestern proposes to test such equipment periodically in an effort to reduce the time and expense associated with monthly testing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, in accordance with the Commission's Rules of Practice & Procedure (18 CFR 385.211, 3485.214). All such motions or protests should be filed on or before April 24, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8703 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-130-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that Transwestern Pipeline Company (Transwestern) on March 31, 1989 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

58th Revised Sheet No. 5
Original Sheet No. 5D(i)
1st Revised Sheet No. 5E
34th Revised Sheet No. 6
35th Revised Sheet No. 6
4th Revised Sheet No. 8
4th Revised Sheet No. 14
3rd Revised Sheet No. 19
3rd Revised Sheet No. 20A
3rd Revised Sheet No. 22
4th Revised Sheet No. 37
2nd Revised Sheet No. 87
1st Substitute 1st Revised Sheet No. 88
2nd Revised Sheet No. 88
2nd Revised Sheet No. 89
2nd Revised Sheet No. 90
1st Revised Sheet No. 90A

The above referenced tariff sheets are the third Order No. 500 filings that Transwestern has made to recover a portion of its take-or-pay buyout and contract reformation costs (Transition

Costs). In Docket No. RP88-198-004 and 005, Transwestern requested authority to recover approximately \$99.1 million of these transition costs. On December 16, 1988, the Commission accepted such filing to become effective December 1, 1988, subject to certain conditions. On January 30, 1989, Docket No. RP89-59-000, Transwestern proposed to revise certain tariff sheets and requested authority to recover additional Transition Costs in the amount of \$45,732,439. On March 1, 1989, the Commission accepted such filing to become effective February 1, 1989. In addition, the Commission consolidated this docket with Docket Nos. RP88-198-004 and -005 for a hearing on the prudence issues only. With this instant filing, Transwestern requests authority to begin recovery of an additional amount of \$75,843,052. This is the amount Transwestern has paid or anticipates to incur by March 31, 1989. Transwestern is continuing its Order No. 500 election to absorb 25% of these costs, direct bill 25%, and recover the remaining 50% by a throughput surcharge. Transwestern requests that the tendered tariff sheets be made effective on April 1, 1989.

With these tariff sheets, Transwestern proposes a number of tariff revisions. First, Transwestern proposes to revise the litigation exception to include contracts or producers involved in litigation, arbitration, or administrative proceedings on March 31, 1989. Second, Transwestern proposes to revise the Transition Costs definition to include costs filed in other proceedings that the Commission ultimately determines are Transition Costs and are not recoverable in those dockets. Third, Transwestern has clarified its position that the TCR Surcharge can be discounted and has proposed changes to the tariff language.

Transwestern requests that the Federal Energy Regulatory Commission grant any and all waivers of its rules, regulations and orders as may be necessary, specifically § 154.63 of its Regulations, so as to permit the above listed rate tariff sheets to become effective April 1, 1989.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 14, 1989. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8704 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-114-000]

Trunkline Gas Co.; Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. certain tariff sheets to its FERC Gas Tariff, Original Volume No. 1. An effective date of May 1, 1989 is requested for these tariff sheets. This new Rate Schedule SAS is submitted to provide a new contract storage service for third parties utilizing existing facilities pursuant to the requirements of section 157.213 of the Commission's Regulations.

Specifically, Trunkline seeks Commission authorization to provide a fully interruptible "stand alone storage service" on an open access basis, for a maximum term of two years. For such service, Trunkline states that it will utilize the existing facilities at its Epps Storage Field, located in West and East Carroll Parishes, Louisiana (Epps Storage Field). Trunkline will provide a new contract storage service, to be governed pursuant to its proposed Rate Schedule SAS. For this storage service Trunkline will charge an injection and a withdrawal charge for volumes of gas nominated to be placed into and taken out of Epps by the storage customers. Trunkline will assess an inventory charge based upon the average daily balance of gas held in storage. The storage customer will reimburse Trunkline, in kind, a one percent fuel usage of the actual volumes injected into storage.

Protests and motions to intervene may be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Rules of Practice and Procedure, 18 CFR 385.211 or 385.214, and the Regulations under the Natural Gas Act 18 CFR 157.10 on or before April 14, 1989. All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8705 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-136-000]

United Gas Pipe Line Co.; Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989 United Gas Pipe Line Company (United) tendered for filing the following Tariff Sheets as part of its FERC Gas Tariff, First Revised Volume No. 1:

Second Revised Sheet No. 4-C1
Second Revised Sheet No. 4-H
Second Revised Sheet No. 4-I
Second Revised Sheet No. 4-J
Second Revised Sheet No. 4-K
Original Sheet No. 4-L

United states that this filing is made consistent with the Commission's Order No. 500 et. seq.

The proposed revised tariff sheets reflect United's absorption of 50 percent of the jurisdictional portion of its take-or-pay buy-out and buy-down costs which United has either actually paid or has become obligated to pay on or before March 31, 1989 and an assignment to jurisdictional sales customers of the remaining 50 percent.

United is requesting an effective date of April 1, 1989 for the above referenced tariff sheets.

Copies of this filing are being served contemporaneously upon United's jurisdictional sales customers and the public service commissions of the states of Alabama, Florida, Louisiana, and Mississippi and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or Protest with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in such accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before April 14, 1989.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to

become a party must file a Motion to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8706 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-117-000]

Valero Interstate Transmission Co.; Tariff Filing

April 7, 1989.

Take notice that on March 31, 1989, Valero Interstate Transmission Company ("Vitco") tendered for filing the following Tariff Sheets as part of its FERC Gas Tariff, Original Volume No. 2:

Valero Interstate Transmission Company
FERC Gas Tariff Original Volume No. 2
3rd Revised Sheet No. 95
1st Revised Sheet No. 95.1

The proposed tariff sheets incorporate language permitting Vitco to pursue litigation or arbitration of any supply contracts which are in litigation or arbitration on March 31, 1989 (1) to the natural end of judgment and final appeal or settlement, and (2) to thereafter file to recover eligible take-or-pay costs resulting from such contracts under the equitable sharing mechanism established in Commission Order Nos. 500, et seq. Vitco is requesting an effective date of May 1, 1989 for the proposed tariff sheets.

Copies of the filing were served on sales customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8707 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA89-1-56-000]

Valero Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that Valero Interstate Transmission Company ("Vitco"), on March 31, 1989 tendered for filing the following tariff sheets as required by Orders 483 and 483-A containing changes in rates pursuant to PGA provisions:

FERC Gas Tariff, Original Volume No. 1
12th Revised Sheet No. 14.2

FERC Gas Tariff, Original Volume No. 2
17th Revised Sheet No. 6

Vitco states that this filing reflects changes in its purchased gas cost rates pursuant to the requirements of Orders 483 and 483-A.

The change in rates to Rate Schedule S-1, FERC Gas Tariff, Original Volume No. 2 includes a decrease in purchased gas costs of \$.0553 per MMBtu. Vitco has not calculated a surcharge applicable to Rate Schedule S-1 but proposes to direct bill the Account 191 balance at June 30, 1989 when the sales contract under Rate Schedule S-1 expires. The change in rates to Rate Schedule S-3 includes a decrease in purchased gas cost of \$.0373 per MMBtu and a negative surcharge of \$.6109 per MMBtu. The surcharge in Rate Schedule S-3 is designed to eliminate the balance in the deferred purchased gas cost account.

The proposed effective date for the above filing is June 1, 1989. Vitco requests a waiver of any Commission order or regulations which would prohibit implementation by June 1, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of Commission's Rules and Regulations. All such motions or protests should be filed on or before May 4, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8708 Filed 4-12-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TQ89-2-50-000]

Valley Gas Transmission, Inc.; Change in Rates Pursuant to Purchased Gas Adjustment

April 7, 1989.

Take notice that on March 31, 1989, Valley Gas Transmission, Inc. ("Valley") tendered for filing and acceptance the following tariff sheets as part of its FERC Gas Tariff:

Fortieth Revised Sheet No. 2A to Original Volume No. 1

Thirteenth Revised Sheet No. 10 to Original Volume No. 2

Valley states that these tariff sheets, which are proposed to become effective on May 1, 1989 are being filed pursuant to the purchased gas cost adjustment provisions of its tariff. Valley further states that these proposed changes reflect adjustments to its current surcharge adjustment and current gas cost adjustment, and that its filing has been served on all jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motion or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8709 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-121-000]

West Texas Gathering Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that West Texas Gathering Company ("West Texas"), on March 31, 1989, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, containing two sets of tariff sheets, a primary and alternate set. The proposed changes would add a section 1, "Take-or-Pay Buyout and Buydown Cost Recovery", to the General Terms and Conditions that would serve to establish the procedures

by which West Texas will recover from its firm sales customers, as prescribed by Order No. 500, a portion of the payments to its natural gas suppliers made in settlement of claims arising under its gas purchase agreements or to terminate or suspend such agreements (referred to herein as "buyout" or "buydown" payments or costs).

West Texas states that, as permitted by Order No. 500, both sets of the proposed tariff sheets reflect (i) the exclusion from rates and an absorption by West Texas of fifty percent (50%) of its buyout and buydown costs; and (ii) inclusion of fifty percent (50%) of such costs in fixed charges (i.e., direct billing based on deficiency percentages) to its sales-for-resale customers. No rate coverage under the provisions of Order No. 500 is sought or intended for buyout or buydown payments to affiliates. The primary tariff sheets provide for payment of buyout and buydown costs in one lump sum payment, with subsequent adjustment as necessary. West Texas proposes in the alternate tariff sheets that the direct billed charges be recovered over an amortization period of three years, which may be subject to further adjustment for good cause shown.

West Texas states that this filing is one part of several being filed concurrently that comprise interrelated and interdependent components of West Texas' Open Access Plan.

West Texas requested that the Federal Energy Regulatory Commission ("Commission") grant any and all waivers of its rules, regulations and orders as may be necessary to permit the tendered tariff sheets to become effective April 1, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8710 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-52-000]

Western Gas Interstate Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that Western Gas Interstate Company ("Western"), on March 30, 1989, tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1. The proposed effective date for the tariff sheets is May 1, 1989.

Western states that, among other things, its filing proposes changes to its rates in accordance with the terms of the Purchased Gas Adjustment Clause of its FERC Gas Tariff, which permits recovery of changes in the cost of gas and of unrecovered purchased gas costs.

Western further states that the proposed changes provide for: (1) a decrease in cost under Western's Rate Schedule G-N of 6.31 cents per Mcf; and (2) a decrease in costs under Western's Rate Schedule G-S of 1.24 cents per Mcf.

Finally, Western states that copies of the filing were served upon Western's transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-8711 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-140-000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

April 7, 1989.

Take notice that on March 31, 1989, Williams Natural Gas Company (WNG) submitted the following tariff sheets to revise its FERC Gas Tariff:

Original Volume No. 1
 Sixth Revised Sheet No. 2
 First Revised Tenth Revised Sheet No. 6
 Original Sheet No. 6E
 First Revised Ninth Revised Sheet No. 7
 Third Revised Sheets Nos. 31 and 38
 Original Sheet Nos. 112-115
Original Volume No. 2
 Second Revised Sheet Nos. 133, 150 and 192
 Third Revised Sheet No. 309

The subject tariff sheets have a proposed effective date of April 1, 1989.

The purpose of this filing is to implement the Commission's Order No. 500 take-or-pay cost recovery procedure to permit WNG, a holder of a blanket certificate issued pursuant to Part 284, Subpart G of the Commission's Regulations, to recover from its customers a portion of the \$41.7 million in Settlement Costs incurred by WNG through December 31, 1989. WNG proposes to recover these costs by the combination of a fixed charge and a volumetric surcharge, to be effective for a three-year amortization period commencing April 1, 1989.

Specifically, WNG is electing, pursuant to Order No. 500 to absorb 25 percent of its Settlement Costs, collect 25 percent by means of a fixed charge and collect the remaining 50 percent by means of a volumetric surcharge assessed over WNG's total throughout. WNG proposes to recover Settlement Costs that it has incurred as of March 31, 1989, or will begin to incur by December 31, 1989, along with carrying charges commencing April 1, 1989 or the date of payment by WNG. WNG also proposes to recover costs resulting from contracts which are in litigation or arbitration as of March 31, 1989, but which have not actually been paid as of that date.

WNG requests that the Commission grant any such waivers of the regulations as may be required to permit the above listed tariff sheets to become effective April 1, 1989.

WNG states that proprietary material related to its Settlements with producers has been included in a non-public copy filed with the Commission and the sensitive material has been deleted from the public copies of the filing which have been mailed to WNG's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be mailed on or before April 14, 1989. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
 Secretary.

[FR Doc. 89-8712 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-118-000]

**Williston Basin Interstate Pipeline Co.;
 Proposed Changes in FERC Gas Tariff**

April 7, 1989.

Take notice that on March 31, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, tendered for filing proposed changes to its FERC Gas Tariffs, First Revised Volume No. 1, Original Volume No. 1-A, Original Volume No. 1-B and Original Volume No. 2. Williston Basin states that the proposed changes will serve to establish the procedures by which Williston Basin will recover from its customers, as prescribed by Order No. 500, all or a portion of payments to its natural gas suppliers made in resolution of claims arising under its gas purchase agreements or to terminate or suspend such agreements (referred to as "buyout" or "buydown" payments or costs).

Williston Basin requested that the Federal Energy Regulatory Commission ("Commission") grant any and all waivers of its rules, regulations and orders as may be necessary, including section 154.66 of its Regulations, so as to permit the tendered tariff sheets to become effective May 1, 1989.

Copies of this filing were served on the Company's customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,
 Secretary.

[FR Doc. 89-8713 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-49-000]

**Williston Basin Interstate Pipeline Co.;
 Purchased Gas Cost Adjustment Filing**

April 7, 1989.

Take notice that on March 31, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, tendered for filing as part of its FERC Gas Tariff the following tariff sheets:

First Revised Volume No. 1

Third Revised Fifteenth Revised Sheet No. 10

Original Volume No. 1-A

Third Revised Tenth Revised Sheet No. 11

Third Revised Thirteenth Revised Sheet No. 12

Second Revised Substitute Second Revised Sheet No. 97A

Original Volume No. 1-B

Third Revised Third Revised Sheet No. 10

Third Revised Third Revised Sheet No. 11

Original Volume No. 2

Second Revised Seventeenth Revised Sheet No. 10

Third Revised Eighth Revised Sheet No. 11B

The Company requests an effective date for the tariff sheets of May 1, 1989.

Third Revised Fifteenth Revised Sheet No. 10 (First Revised Volume No. 1) and Second Revised Seventeenth Revised Sheet No. 10 (Original Volume No. 2) reflect an increase in the Current Gas Cost Adjustment applicable to Rate Schedules G-1, SGS-1, E-1 and X-1 of 8.853 cents per dkt as compared to that contained in the Company's December 30, 1988 PGA filing in Docket No. TQ89-2-49-000.

In accordance with § 154.310(c) of the Commission's Purchased Gas Cost Adjustment Regulations, the Transition Rule governing the calculation of the surcharge adjustment, the Company has deleted the surcharge adjustment applicable to Rate Schedules G-1 and SGS-1 for the period covered by the instant purchased gas cost adjustment filing, May 1, 1989 through July 31, 1989. This 14.514 cents per dkt increase, coupled with the referenced 8.853 cents per dkt increase in the Current Adjustment effectuates a 23.367 cents per dkt increase in the Cumulative

Adjustment, applicable to Rate Schedules G-1 and SGS-1, as compared to the Company's December 30, 1988 filing in Docket No. TQ89-2-49-000.

The balance of the tariff sheets submitted in the instant filing reflect a decrease of 1.308 cents per dkt in the fuel reimbursement charge component of the Company's relevant transportation rates as compared to that contained in the Company's December 30, 1988 filing in Docket No. TQ89-2-49-000. Such decrease in the fuel reimbursement charge is a result of the changes in Williston Basin's average cost of purchased gas and fuel reimbursement percentage reflected in the instant filing.

Williston Basin states that it submits Third Revised Tenth Revised Sheet No. 10 and Third Revised Thirteenth Revised Sheet No. 12 (Original Volume No. 1-A) and Second Revised Seventeenth Revised Sheet No. 10 and Third Revised Eighth Revised Sheet No. 11B (Original Volume No. 2) to reflect a revision to the Fuel Used, Lost and Unaccounted For percentage, applicable to certain transportation rate schedules.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-8714 Filed 4-12-89; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Proposed Rates for Economy Service, Short-Term Firm Capacity/Energy Sale or Exchange Service, and Nonfirm Transmission Service; Boulder City Area Office and Salt Lake City Area Office Projects

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Rates.

SUMMARY: The Western Area Power Administration (Western) is proposing

to place into effect rates for Economy Energy Service, Short-Term Firm Capacity/Energy Sale or Exchange Service, and Nonfirm Transmission Service for projects administered by its Boulder City Area Office (BCAO) and Salt Lake City Area Office (SLCAO). These proposed rates are applicable only to discretionary or coordination sales that are short-term commitments of 1 year or less. Coordination sales represent short-term firm or nonfirm power that is available over and above normal marketing obligations.

Western is in the process of joining the Western Systems Power Pool (WSPP), and the proposed rates will be based on WSPP rates. The Federal Energy Regulatory Commission has approved the methodologies for developing the rate for each type of service offered under WSPP. The actual rate for each transaction is negotiated by the buyer and the seller. Summaries of pertinent portions of WSPP Service Schedule A (Economy Energy Service), Service Schedule C (Firm System Capacity/Energy Sale or Exchange Service), and Service Schedule D (Transmission Service) are included as exhibits I, II, and III, respectively, and provide details of the approved methodologies. The current maximum value for each type of service is:

Service	Maximum Value
Economy Sale	245 mills per kWh.
Economy Exchange	100:1.
Firm Capacity/Energy Sale	245 mills per kWh.
Firm Capacity/Energy Exchange	100:1.
Transmission	33 mills per kWh.

The rates for Economy Energy Service and the Transmission Service would apply to both WSPP and non-WSPP transactions whereas the rate for Short-Term System Capacity/Energy Sale or Exchange Service would apply only to WSPP transactions.

The Economy Energy Service rate would be used as an alternative to the currently utilized Fuel Replacement Energy rate. Fuel Replacement Energy as a class of service would be retained. Short-term nonfirm surplus energy sold as Fuel Replacement Energy is, for utilities with generation, priced at 85 percent of the cost of the saved fuel plus 50 percent of any other savings realized by the purchaser. Fuel Replacement Energy sold to utilities without generation is priced at 85 percent of the purchaser's highest cost alternative source of energy. Because of the present-day situation of highly competitive markets, the pricing of Fuel

Replacement Energy against saved fuel cost at a specific fossil-fuel plant is not as viable as it once was. Western's objective remains that of utilizing short-term hydro surpluses to conserve fossil fuel. Western proposes an Economy Energy Service rate based upon short-term energy pricing among power suppliers be adopted and continued as long as Western determines it is appropriate. The proposed Economy Energy Service rate is as follows: The rate for Economy Energy Service is based upon the pricing for nonfirm energy sales among the power suppliers within the interconnected systems.

The Short-Term Firm Capacity/Energy Sale or Exchange Service rate would be applicable to Western's sales of short-term firm capacity and energy such as when power has been offered to, but not taken by, Western's preference customers. Typically, Western has made such sales utilizing the appropriate component of its established firm power rate and will continue to do so if and when deemed appropriate. However, the adoption of this Short-Term Firm Capacity/Energy Sale or Exchange Service rate would provide Western with enhanced operational and economic flexibility in its marketing of firm power for short-term commitments. This rate would be utilized for WSPP commitments of less than 1 year and would be as follows: The rate for Short-Term System Capacity/Energy Sales or Exchange Service is based upon the pricing for firm capacity and energy sales among the participants of the Western Systems Power Pool.

The Nonfirm Transmission Service rate would be an alternative to the current nonfirm transmission rate of 1.4 mills per kWh provided by Rate Schedule PD-NFT2, Parker-Davis Project, Schedule of Rates for Nonfirm Transmission Service, and would replace Rate Schedule SP-NFT2, Colorado River Storage Project, Rate Schedule for Nonfirm Transmission Service, 3.1 mills per kWh. The proposed rate for Nonfirm Transmission Service is as follows: The rates for Nonfirm Transmission Service are based upon the pricing for nonfirm transmission among the participants within the interconnected system.

DATES: Publication of this notice in the Federal Register begins a 30-day public comment and consultation period. Written comments on the proposal will be accepted until the end of the period.

ADDRESS: Written comments, as well as requests for further information, may be submitted to the following address throughout the consultation and

comment period: Mr. Robert C. Fullerton, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, Colorado 80401-3398, telephone: (303) 231-1545.

SUPPLEMENTARY INFORMATION: Western is one of five power marketing administrations of the Department of Energy. It markets and transmits power in 15 Central and Western States, primarily from Federal hydroelectric powerplants. The BCAA and SLCAO market the power generated from several hydroelectric powerplants which are primarily located in the Upper and Lower Colorado River Basins. In addition, the BCAA markets a portion of the generation from the Navajo coal-fired powerplant of the Central Arizona Project. The power marketing functions of both offices include transmission service as well as power sales. The transmission systems provide interconnections between Federal powerplants as well as interconnections between various Federal, public, and investor-owned utility systems. Western markets both firm and nonfirm power and transmission service.

Western is in the process of joining the WSPP, subject to Federal Energy Regulatory Commission approval of a 2-year extension of the WSPP program. WSPP provides its members the ability to enter into power transactions based on day-to-day market activities. It does not preclude transactions through other agreements. The proposed rates will be used by Western for WSPP and non-WSPP transactions as appropriate.

Economy Energy Service

Western sells short-term surplus energy to entities that reduce power production from fossil-fueled powerplants to conserve fuel. Selling surplus energy at 85 percent of a plant's fuel cost provided a basis for pricing, and could be adhered to when a specific unit could easily be identified and the price of the energy directly related to the fuel saved. However, present-day situations in the utility industry have changed from when the sale of fuel replacement energy was initiated more than 20 years ago. Today, major utilities have numerous plants in daily operation which have a wide range of operating costs. Because of multiple-unit operations, utilities often reduce power generation of more than one unit when buying energy from another utility. A utility's highest cost unit is not always the one reduced in power level because of such considerations as "take or pay" coal contracts or transmission constraints. Minimum power levels of

large plants also affect which units may be backed down.

Economic dispatch has evolved among utilities in order to improve the economic utilization of both generation and transmission facilities. The centralized communication and pricing flexibility available through WSPP may lead to greater coordination of interconnected system operation achieving many of the benefits of centralized economic dispatch. Because of this, and other considerations, pricing of short-term energy transactions among power suppliers is driven by factors other than fuel savings at a particular plant. It is increasingly more difficult, and less significant, for Western to base short-term surplus energy prices on fuel savings associated with a specific generating unit.

Western considers that some short-term surplus energy sales, previously conducted as Fuel Replacement Energy sales, can be more appropriately conducted under the proposed category of Economy Energy. Quantifiable conservation of fuel will still be accomplished but the energy prices will directly reflect all factors which establish short-term energy prices among thermal suppliers.

Short-Term Firm Capacity/Energy Sale or Exchange Service

From time to time, the BCAA and the SLCAO have firm power available for coordination transactions; i.e., firm power that is available over and above the normal marketing obligations. Such power, committable for less than 1 year, may be either peaking only or peaking with energy. The energy may or may not be marketed on an exchange basis. The rate for this service would be an alternative to using one or more of the components of the then current firm power rates. Although the Short-Term Firm Capacity/Energy Sales or Exchange Service rate might enhance Western revenues, its most likely role would be to provide Western with increased marketing flexibility.

Nonfirm Transmission Service

The BCAA and the SLCAO provide nonfirm transmission service on an "as available" basis. Any revenues generated from nonfirm transmission help offset the cost of constructing, operating, and maintaining the transmission system.

Western continues to improve system transfer capability through investment in new lines and equipment such as phase-shifting transformers. If a fixed nonfirm wheeling rate is too high, it may not encourage the efficient use of Western's future available transmission

system capacity. If the rate is too low, it may not result in fair compensation to Western. A flexible nonfirm transmission rate is a way to encourage the most efficient and economical use of Western's transmission systems.

Power rates for Western are established pursuant to the Department of Energy Organization Act of August 4, 1977 (42 U.S.C. 7101, *et seq.*); the Reclamation Act of 1902 (43 U.S.C. 372, *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485(c)); and the acts specifically applicable to the project system involved.

Delegation Order No. 0204-108, effective May 30, 1986 (51 FR 19744, May 30, 1986), as amended, delegated to the Administrator of Western the authority to develop and place in effect, on a final basis, power and transmission rates for short-term sales; i.e., sales less than 1 year in duration.

After receipt of formal written comments, and due considerations, a final decision on the proposed rates will be made by the Administrator of Western pursuant to authority delegated to the Administrator in Delegation Order No. 0204-108, as amended. An explanation responding to the major comments and alternatives offered during the comment period shall accompany the final decision.

Environmental Compliance

Western will conduct an analysis of the proposed rate pursuant to the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations, and section D of the Department of Energy Guidelines published in the Federal Register on February 23, 1982 (47 FR 7976).

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Under 5 U.S.C. 601(2), rates or services of particular applicability are not considered "rules" within the meaning of the Act. Because the rate is for services provided by Western from particular projects, no flexibility analysis is required.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule

because it does not meet the criteria of section 1(b) of Executive Order 12291 (46 FR 13193 February 17, 1981). In addition, Western has an exemption from sections 3, 4, and 7 of Executive Order 12291, and therefore will not prepare a regulatory impact statement.

Issued at Golden, Colorado, March 30, 1989.

William H. Claggett,
Administrator.

Exhibit I—Summary of Pertinent Portions of Western Systems Power Pool Service Schedule A, Economy Energy Service

- Purchasers shall arrange purchases directly with Sellers, and shall be responsible for transmission arrangements.

- Price shall be as mutually agreed in advance between Purchaser and Seller, but shall not exceed the cost per megawatt-hour of the highest fully allocated cost resource among the Parties* during the year as determined by the Operating Committee.

- In lieu of payment, such Parties may mutually agree to exchange economy energy at a ratio not to exceed the ratio of the highest Decremental Cost among the Parties to the lowest Decremental Cost among the Parties during the year as determined by the Operating Committee.

- Unless otherwise agreed, the Purchaser shall be responsible for maintaining spinning reserve requirements as backup for Economy Energy Service purchased and the Seller shall not be required to maintain such spinning reserve.

- Collectively, the entities which execute the Western Systems Power Pool Agreement.

Exhibit II—Summary of Pertinent Portions of Western Systems Power Pool Service Schedule C, Firm System Capacity/Energy Sale or Exchange Service

- Firm system capacity transactions shall include buying, selling, or exchanging capacity between Parties* with or without associated energy.

- Firm capacity is deemed a capacity sale from Seller's system resources and backed by Seller's system capacity reserves.

- Firm energy transactions shall include buying, selling, or exchanging firm energy between Parties. Subject to mutual agreement, firm energy is deemed a quantity of energy the Seller has agreed to sell and deliver and Purchaser has agreed to buy within a specified time period.

- Purchasers shall arrange purchases directly with Sellers, and shall be responsible for transmission arrangements.

- Price and recall time shall be as mutually agreed in advance between Purchaser and Seller for capacity and energy; provided, however, that the price for capacity and for energy shall not exceed the cost per megawatt-hour of the highest fully allocated cost resource among the Parties for the year as determined by the Operating Committee.

- Exchange ratios among such Parties shall be as mutually agreed between Purchaser and Seller, but shall not exceed the ratio of the highest Decremental Cost among the Parties to the lowest Decremental Cost among the Parties during the year as determined by the Operating Committee.

- Collectively, the entities which execute the Western Systems Power Pool Agreement.

Exhibit III—Summary of Pertinent Portions of Western Systems Power Pool Service Schedule D, Transmission Service

- Purchasers shall be responsible for making transmission arrangements, including compensation for losses, with the transmitting Party.

- A Party shall be compensated for the use or reservation of its transmission transfer capability at a rate determined in advance by the transmitting Party, but that compensation shall not exceed 33 percent of the difference between the highest Decremental Cost of generation of the Western Systems Power Pool and the lowest Decremental Cost of generation of the Western Systems Power Pool during the year, as determined by the Operating Committee, but not less than 1 mill per kilowatt per hour of Transmission Service reserved.

[FR Doc. 89-8725 Filed 4-12-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-44529; FRL-3554-1]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on Cresols (CAS Nos. 95-48-7 and 106-44-5), Tetrabromobisphenol-A (CAS No. 79-94-7) and Anthraquinone (CAS No. 84-65-1) submitted pursuant to final test

rules under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St. SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the Federal Register reporting the receipt of test data submitted pursuant to test rules.

I. Test Data Submissions

Test data for Cresols was submitted by the Chemical Manufacturers Association pursuant to a test rule at 40 CFR 799.1250. It was received by EPA on March 21, 1989. The submission describes two studies: (1) A mutagenicity test on para-cresol; *Drosophila Melanogaster* sex-linked recessive lethal test and (2) a mutagenicity test on ortho-cresol; *Drosophila Melanogaster* sex-linked recessive lethal test. Sex-linked recessive lethal testing is required by this test rule.

Test data for tetrabromobisphenol-A was submitted by the Great Lakes Chemical Corporation pursuant to a test rule at 40 CFR 799.4000. It was received by EPA on March 20, 1989. The submission describes the bioconcentration and elimination of ¹⁴C-residues by fathead minnows exposed to tetrabromobisphenol-A. Chemical fate testing is required by this test rule.

Test data for anthraquinone was submitted by the Mobay Corporation pursuant to a test rule at 40 CFR 799.500. It was received by EPA on March 22, 1989. The submission describes the bioconcentration and elimination of ¹⁴C-residues by Eastern Oysters exposed to anthraquinone. Chemical fate testing is required by this test rule.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44529). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA

Public Docket Office, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: April 4, 1989.

Joseph J. Merenda,
Director, Existing Chemical Assessment
Division, Office of Toxic Substances.

[FR Doc. 89-8822 Filed 4-12-89; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59866; FRL-3554-2]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). In the Federal Register of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of six such PMN(s) and provides a summary of each.

DATES: Close of Review periods:

Y 89-76, April 11, 1989.

Y 89-77, 89-78, 89-79, 89-80, April 12, 1989.

Y 89-81, April 18, 1989.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director, TSCA Assistance Office [TS-799], Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M Street, SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 89-76

Manufacturer. Confidential.
Chemical. (G) Medium oil alkyl.

Use/Production. (G) Resin for coatings protective and decorative. Prod. range: Confidential.

Y 89-77

Manufacturer. Confidential.

Chemical. (G) Acrylate terpolymer.

Use/Production. (G) Dispersive water treatment. Prod. range: Confidential.

Y 89-78

Manufacturer. Confidential.

Chemical. (G) Acrylic terpolymer.

Use/Production. (G) Dispersive water treatment. Prod. range: Confidential.

Y 89-79

Manufacturer. Confidential.

Chemical. (G) Acrylate terpolymer.

Use/Production. (G) Dispersive water treatment. Prod. range: Confidential.

Y 89-80

Manufacturer. Confidential.

Chemical. (G) Acrylate terpolymer.

Use/Production. (G) Dispersive water treatment. Prod. range: Confidential.

Y 89-81

Manufacturer. Confidential.

Chemical. (G) Polyester resin solution.

Use/Production. (G) Resin for paint manufacture. Prod. range: Confidential.

Date: April 5, 1989.

Steven Newburg-Rinn,

Acting Director, Information Management
Division, Office of Toxic Substances.

[FR Doc. 89-8823 Filed 4-12-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0127.

Title: Exemption of State-Owned Properties under Self-Insurance Plan.

Abstract: Information collection enables FIA to determine whether the applying State meets the requirements for an exemption pursuant to section 102(c) of the Flood Disaster Protection Act of 1973, which enables FIA to grant a State having an adequate policy of Self-insurance for its State-owned structures an exemption from the

insurance purchase requirements 1973 Act.

Type of Respondents: State or local governments.

Estimate of Total Annual Reporting and Recordkeeping Burden: 100.

Number of Respondents: 20.

Estimated Average Burden Hours Per Response: 5.

Frequency of Response: Once upon application, and when and if review is conducted.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street SW., Washington, DC 20472.

Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to the FEMA Clearance Officer at the above address; and to Pamela Barr, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Date: April 4, 1989.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 89-8792 Filed 4-12-89; 8:45 am]

BILLING CODE 6718-01-M

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0170.

Title: Activities-Results List.

Abstract: States use this list as the core format for their statements of work. Each quarter, States update numbers completed vs. expected on the lists, reproduce them, and submit them as quarterly reports. Program managers then monitor progress by these updates.

Type of Respondents: State or local governments.

Estimate of Total Annual Reporting and Recordkeeping Burden: 7,420.

Number of Respondents: 56.

Estimated Average Burden Hours Per Response: 26.5.

Frequency of Response: Quarterly, Annually.

Copies of the above information collection request and supporting documentation can be obtained by

calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street, SW., Washington, DC 20472.

Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to the FEMA Clearance Officer at the above address; and to Pamela Barr, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Date: April 7, 1989.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 89-8793 Filed 4-12-89; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 89-1306]

Trust Department Application; Agency Information Collection Activities

Date: April 6, 1989.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board ("Board") has submitted a request for extension of an information collection request, "Trust Department Application," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

This information collection will provide the Bank Board with the basic informational requirements necessary to evaluate the Federal Savings and Loan Associations proposed fiduciary activities in light of the appropriate regulatory criteria. We estimate it will take approximately 9 hours per respondent to complete the information collection.

DATES: Comments on the information collection request are welcome and should be received on or before April 28, 1989.

ADDRESS: Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Request for copies of the proposed information collection requests and supporting documentation are

obtainable at the Board address given below: Director, Information Services Division, Office of Secretariat, Federal Home Loan Bank Board, 801 17th Street NW., Washington, DC 20006, Phone: 202-416-2751.

FOR FURTHER INFORMATION CONTACT: John Wilson, Financial Analyst, Office of District Banks, (202) 906-7217, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-8731 Filed 4-12-89; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010903-003.

Title: Maryland Port Administration Terminal Agreement.

Parties:

Maryland Port Administration
Atlantic Container Line, Ltd.

Synopsis: The Agreement amends the basic agreement (Agreement No. 224-010903) to provide for extending the term of the agreement indefinitely with a right of termination for either party. All other terms and conditions of the basic agreement, as amended, remain in force and effect.

Agreement No.: 224-200139-004.

Title: Port Authority of New York and New Jersey Terminal Agreement.

Parties:

Port Authority of New York and New Jersey
Sea-Terminals, Inc.

Synopsis: The Agreement (1) increases the space used by Sea Terminals, Inc. by approximately fifteen acres, (2) allows for the use of a crane,

and (3) provides for improvements and modifications in the use of the space.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: April 7, 1989.

[FR Doc. 89-8765 Filed 4-12-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Peoples Heritage Financial Group, Inc., et al., Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 28, 1989.

A. Federal Reserve Bank of Boston
(Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Peoples Heritage Financial Group, Inc.*, Portland, Maine; to acquire 100 percent of the voting shares of First Coastal Banks, Inc., Portsmouth, New Hampshire, and thereby indirectly acquire The First National Bank of Portsmouth, Portsmouth, New Hampshire, and Merchants National Bank, Dover, New Hampshire.

B. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Cordele Bancshares, Inc.*, Cordele, Georgia; to become a bank holding company by acquiring 99.28 percent of the voting shares of Cordele Banking Company, Cordele, Georgia.

2. *Morris State Bancshares, Inc.*, Dublin, Georgia; to become a bank holding company by acquiring 84.11 percent of the voting shares of The Morris State Bank, Dublin, Georgia.

3. *Smoky Mountain Bancorp, Inc.*, Gatlinburg, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Gatlinburg, Gatlinburg, Tennessee.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bank of Elmwood Employee Stock Ownership Plan and Trust*, Racine, Wisconsin; to become a bank holding company by acquiring 30 percent of the voting shares of Elmwood Financial Corporation, Racine, Wisconsin, and thereby indirectly acquire Bank of Elmwood, Racine, Wisconsin.

D. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Bank of Bolivar Employee Stock Ownership Plan & Trust*, Bolivar, Tennessee; to become a bank holding company by acquiring at least 25.5 percent, but not more than 51 percent of the voting shares of Community Financial Services, Inc., Bolivar, Tennessee, and thereby indirectly acquire The Bank of Bolivar, Bolivar, Tennessee.

E. Federal Reserve Bank of Minneapolis (James M. Lyon, vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *International Bancorporation*, Bemidji, Minnesota; to acquire by merger Pelican Bancshares, Inc., Pelican Rapids, Minnesota, and thereby indirectly acquire Pelican Valley State Bank, Pelican Rapids, Minnesota.

2. *MONBAN, Inc.*, Billings, Montana; to become a bank holding company by acquiring 94.78 percent of the voting shares of The Fairview Bank, Fairview, Montana.

3. *Nodak Bancorporation*, Mandan, North Dakota; to acquire 93.57 percent of the voting shares of First Southwest Bank—Mandan, Mandan, North Dakota.

4. *Security Bancshares Company*, Glencoe, Minnesota; to acquire 100 percent of the voting shares of Waconia State Bank, Waconia, Minnesota.

F. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Bancorporation, Inc.*, Odessa, Texas; to become a bank

holding company by acquiring 100 percent of the voting shares of Texas Bank, Odessa, Texas.

Board of Governors of the Federal Reserve System, April 6, 1989.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 89-8727 Filed 4-12-89; 8:45 am]

BILLING CODE 6210-01-M

**Security Bancshares, Inc., et al.;
Formation of, Acquisition by, or
Merger of Bank Holding Companies;
and Acquisition of Nonbanking
Company**

The company listed in this notice has applied under section 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 28, 1989.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Security Bancshares, Inc.*, Scott City, Kansas; to acquire 93.25 percent of the voting shares of The Farmers State Bank, Oakley, Oakley, Kansas.

In connection with this application, Applicant also proposes to acquire Medlin Insurance Agency, Inc., Oakley, Kansas, and thereby engage in general insurance agency activities pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in Logan County, Kansas.

Board of Governors of the Federal Reserve System, April 6, 1989.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 89-8728 Filed 4-12-89; 8:45 am]

BILLING CODE 6210-01-M

**Applications for the Toronto-Dominion
Bank; Acquisition of Company
Engaged in Permissible Nonbanking
Activities**

The organization listed in this notice has applied under § 225.23(a) (2) or (f) of the Board's Regulation Y (12 CFR 225.23(a) (2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a) of Regulation Y (12 CFR 225.23(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be

accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 4, 1989.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Toronto-Dominion Bank*, Toronto, Canada; to acquire American Government Securities, Inc., Morristown, New Jersey, to underwrite and deal in bank-eligible obligations pursuant to § 225.25(b)(16) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 6, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-8729 Filed 4-12-89; 8:45 am]

BILLING CODE 6210-01-M

Westdeutsche Landesbank Girozentrale, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition,

conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 26, 1989.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Westdeutsche Landesbank Girozentrale*, Federal Republic of Germany; to engage *de novo* through its subsidiary, Touchless High Tech Leasing, Inc., Wilmington, Delaware, in leasing personal and real property pursuant to section 225.25(b)(5) of the Board's Regulation Y.

2. *Westpac Banking Corporation*, New York, New York; to engage *de novo* in providing management advice to nonaffiliated bank and nonbank depository institutions, including commercial banks, savings and loan associations, mutual savings banks, credit unions, and industrial loan companies. Such management consulting advisory services would include, but not necessarily limited to advice concerning bank operations, systems and procedures; computer operations and mechanization and the design and planning of computer and data processing systems to assist in the administration or carrying out of credit policies, documentation, evaluation and debt collection, product development, marketing operations, personnel operations and internal accounting and auditing procedures pursuant to § 225.25(b)(11) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Park Ridge Bancshares, Inc.*, Stevens Point, Wisconsin; to engage *de novo* in general insurance activities pursuant to § 225.25(b)(8)(vi) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 6, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-8730 Filed 4-12-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88F-0282]

Diversey Wyandotte Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Diversey Wyandotte Corp., has filing a petition proposing that the food additive regulations be amended to provide for the safe use of phosphoric acid; octenyl succinic acid; octyldimethylamine; and mixture of *N*-carboxylic acids (C₆-C₁₂, consisting of not less than 95 percent C₆ and C₁₀ *N*-acids) as components of a sanitizing solution to be used for sanitizing food contact surfaces.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204; 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8H4092) has been filed by Diversey Wyandotte Corp., 1532 Biddle Ave., Wyandotte, MI 48192, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of phosphoric acid; octenyl succinic acid; octyldimethylamine; and a mixture of *N*-carboxylic acids (C₆-C₁₂, consisting of not less than 95 percent C₆ and C₁₀ *N*-acids) as components of a sanitizing solution to be used for sanitizing food contact surfaces.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: April 6, 1989.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-8760 Filed 4-12-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89N-0120]

Drug Export; CARDIOLITE® Kit for the Preparation of Technetium Tc99m Sestamibi**AGENCY:** Food and Drug Administration.
ACTION: Notice.**SUMMARY:** The Food and Drug Administration (FDA) is announcing that E.I. Du Pont de Nemours & Co. (Inc.) has filed an application requesting approval for the export of the human drug CARDIOLITE® Kit for the preparation of Technetium Tc99m Sestamibi to Canada.**ADDRESS:** Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.**FOR FURTHER INFORMATION CONTACT:** Rudolf Apodaca, Division of Drug Evaluation and Research (HFD-310), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8063.**SUPPLEMENTARY INFORMATION:** The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that E.I. Du Pont de Nemours & Co. (Inc.), Medical Products Department, 331 Treble Cove Rd., No. Billerica, MA 01862, has filed an application requesting approval for the export of the drug CARDIOLITE® Kit for the preparation of Technetium Tc99m Sestamibi, to Canada. This product is a myocardial imaging agent useful for the detection and localization of myocardial infarction and assessment of ventricular

function. The application was received and filed in the Center for Drug Evaluation and Research on March 20, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by May 3, 1989, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: April 5, 1989.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 89-8759 Filed 4-12-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88E-0102]

Determination of Regulatory Review Period for Purposes of Patent Extension; CEFTIN**AGENCY:** Food and Drug Administration.
ACTION: Notice.**SUMMARY:** The Food and Drug Administration (FDA) has determined the regulatory review period for Ceftin and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce (PTO), for the extension of a patent which claims that human drug product.**ADDRESS:** Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.**FOR FURTHER INFORMATION:** Philip L. Chao, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600

Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA approved for marketing the human drug product Ceftin (cefuroxime axetil) which is indicated for the treatment of patients with infections caused by susceptible strains of certain organisms in several diseases. Subsequent to this approval, PTO received a patent term restoration application for Ceftin (U.S. Patent No. 4,267,320) from Glaxo Operations UK Ltd. and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated April 15, 1988, advised PTO that the human drug product had undergone a regulatory review period. FDA also informed PTO that Ceftin is an ester of the active moiety cefuroxime and that FDA had previously approved two drug products which are salts of cefuroxime. After receiving this information, PTO concluded that Ceftin was not eligible for patent extension. On February 22, 1989, the district court in *Glaxo Operations UK Ltd. v. Ouigg, Civ.*

Action No. 88-1487-A (E.D. Va. 1989), held that the PTO ruling was arbitrary and capricious. Shortly thereafter, PTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Ceftin is 1,559 days. Of this time, 677 days occurred during the testing phase of the regulatory review period, while 882 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* September 23, 1983. The applicant claims that the investigational new drug application (IND) for Ceftin became effective September 22, 1983. However, FDA records indicate that the IND became effective September 23, 1983.

2. *The date the application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug, and Cosmetic Act:* July 30, 1985. FDA has verified the applicant's claim that the new drug application (NDA) (known then as a Form 5 application) for Ceftin (NDA 50-605) was initially submitted July 30, 1985.

3. *The date the application was approved:* December 28, 1987. FDA has verified the applicant's claim that NDA 50-605 was approved December 28, 1987.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, PTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 12, 1989, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 10, 1989, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the

heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 6, 1989.
Stuart L. Nightingale,
Associate Commissioner for Health Affairs.
[FR Doc. 89-8757 Filed 4-12-89; 8:45 am]
BILLING CODE 4106-01-M

[Docket Nos. 89E-0086 and 89E-0087]

Determination of Regulatory Review Period for Purposes of Patent Extension; CERADON®

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Ceradon® (cefotiam hydrochloride) and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of two patents which claim that human drug product.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an

application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the antibiotic Ceradon® (cefotiam hydrochloride). Ceradon® is indicated for the treatment of the following when caused by susceptible strains of the designated microorganisms: lower respiratory tract infections, bronchitis and pneumonia, caused by streptococcus pneumoniae and haemophilus influenzae (ampicillin-susceptible strains). Subsequent to this approval, the Patent and Trademark Office received two patent term restoration applications for Ceradon® (U.S. Patent Nos. 4,161,527 and 4,241,057) from Takeda Chemical Industries, Ltd., and requested FDA's assistance in determining the eligibility of these patents for patent term restoration. FDA, in a letter dated March 20, 1989, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period. The letter also stated that the active ingredient, cefotiam hydrochloride, represented the first permitted commercial marketing or use. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Ceradon® is 3,158 days. Of this time, 1,817 days occurred during the testing phase of the regulatory review period, while 1,341 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* May 10, 1980. FDA has verified the applicant's claim that the date the investigational new drug application (IND) for Ceradon® became effective was May 10, 1980.

2. *The date the application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug, and Cosmetic Act:* April 30, 1985. FDA has verified the applicant's claim that the date the new

drug application (NDA 50-601) was initially submitted to the FDA was April 30, 1985.

3. *The date the application was approved:* December 30, 1988. FDA verified the applicant's claim that NDA 50-601 was approved on December 30, 1988.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In each of its applications for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 12, 1989, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 10, 1989, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket numbers found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 5, 1989.

Stuart L. Nightingale,
Associate Commissioner for Health Affairs.
[FR Doc. 89-8758 Filed 4-12-89; 8:45 am]
BILLING CODE 4160-01-M

Veterinary Medicine Advisory Committee; Amendment of Notice of Meeting

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending a notice that announces a public meeting of the Veterinary Medicine Advisory Committee. The amendment reflects a change in the location of the meeting. Notice of the April 25 and 26, 1989, meeting was published in the *Federal Register* of March 20, 1989 (54 FR 11445).

SUPPLEMENTARY INFORMATION: In FR Doc. 89-6426, appearing at page 11445 in the *Federal Register* of March 20, 1989, in the third column, under the heading "Veterinary Medicine Advisory Committee", the "Date, time, and place" paragraph is corrected to read "Date, time, and place. April 25 and 26, 1989, 8:15 a.m., Georgetown Room, Days Inn Congressional Park, 1775 Rockville Pike, Rockville, MD."

Dated: April 7, 1989.

Alan L. Hoeting,
Acting Associate Commissioner for
Regulatory Affairs.
[FR Doc. 89-8761 Filed 4-12-89; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-940-09-; CACA 7300 WR, CARI 01561 WR]

Termination of Small Tract Classification Nos. 263, 495; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Termination of Small Tract Classification.

SUMMARY: This action terminates Small Tract Classifications Nos. 263 and 495 which classified public land for disposition pursuant to the Small Tract Act of 1938. The Small Tract Act of 1938 was repealed by the Federal Land Policy and Management Act, 90 Stat. 2743 dated October 21, 1976, therefore, the classification is moot. Removal of the classification will allow completion of two public sales held under Section 203 of the Federal Land Policy and Management Act.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California State Office, 2800 Cottage Way, Room E-2841, Federal Office Building, Sacramento, California 95825 (916) 978-4815

1. Pursuant to the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203 dated April 14, 1987, Small Tract Classification Nos. 263 and 495 are hereby terminated as to the following lands:

San Bernardino Meridian

Small Tract No. 495

T. 4 N., R. 14 W.,

Sec. 5, lot 22.

Small Tract No. 263

T. 5 N., R. 13 W.,

Sec. 6, lots 18, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32;

Sec. 7, lots 6, 7.

The areas described contain 179.67 acres.

2. The classification segregated the public lands from all other forms of appropriation under the public land laws, including location under the United States mining laws, but not leasing under the mineral leasing laws, pursuant to the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended. The Small Tract Act of 1938 was repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2789); the classification therefore no longer serves a useful purpose as to the land described above.

3. Accordingly, at 10 a.m. on April 11, 1989, the lands described in paragraph 1 will be opened to operation of the public land laws, generally, and the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law.

Dated: April 3, 1989.

Nancy J. Alex,
Chief, Lands Section Branch of Adjudication
and Records.

[FR Doc. 89-8733 Filed 4-12-89; 8:45 am]
BILLING CODE 4310-40-M

[WY-030-09-4111-01]

Rawlins District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting of the Rawlins District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Rawlins District Advisory Council will be held.

DATE: May 11, 1989.

ADDRESS: Comfort Inn, 1801 East Cedar Street, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: Grant Petersen, Public Affairs Specialist or Dick Bastin, District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324-7171.

SUPPLEMENTARY INFORMATION: The meeting will be held at 10:00 a.m. at the Comfort Inn in Rawlins, Wyoming.

A public comment period will be held at 1:30 p.m. The agenda items for the meeting will include: Wildlife 2000, Cultural Resource Protection at Bairoil, Fencing, Recreation 2000, Election of Officers.

The meeting is open to the public. Anyone interested in attending the meeting and/or making an oral statement should notify the District

Manager by May 8, 1989. Written statements also may be filed before the meeting for the Council's consideration.

Summary minutes will be available for review within 30 days after the meeting at the Rawlins District Office. Copies of the minutes may be obtained for the cost of duplication.

Richard Bastin,

District Manager.

[FR Doc. 89-8734 Filed 4-12-89; 8:45 am]

BILLING CODE 411-01-M

[UT-020-09-4320-02]

Salt Lake District; Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 that the Salt Lake District Grazing Advisory Board will be meeting and touring public lands on June 1 and 2, 1989.

The Board will meet at 8:00 a.m. at the Salt Lake District, Bureau of Land Management office, at 2370 South 2300 West, Salt Lake City, Utah. The board will then depart for a tour of public lands in Rich County. The night of June 1, 1989, a business meeting will be held at 7:30 p.m. at the Randolph BLM field camp.

Topics of discussion on the tour and at the meeting will be as follows:

(1) Box Elder County Livestock Trail AUM allocation.

(2) New Canyon Allotment grazing decision.

(3) Big Creek Allotment Grazing System.

(4) Spotted Knapweed problem on public lands.

(5) Grazing Fee Credit Program for Randolph ESP area.

(6) National ESP meeting in Logan, Utah.

(7) Alternative of moving Rich County permittees to the Snowville Allotment.

The meeting is open to the public and interested persons may make oral statements at the business meeting at Randolph between 7:30 and 8:00 p.m., or file a written statement for the Board's consideration.

Persons wishing to make statements to the Board are requested to contact Glade Anderson at (801) 524-5348 prior to May 26, so that adequate time can be included on the agenda.

FOR FURTHER INFORMATION CONTACT: Glade Anderson, Range Conservationist, Bureau of Land Management, Salt Lake District Office, 2370 South 2300 West,

Salt Lake City, Utah 84119, (801) 524-5348.

Deane H. Zeller,

Salt Lake District Manager.

[FR Doc. 89-8754 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-DQ-M

[MT-920-09-4111-14; NDM 74563]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease NDM 74563, McKenzie County, North Dakota, was timely filed and accompanied by the required rental accruing from the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of \$10 per acre and 16% respectively. Payment of a \$500 administration fee has been made.

Having met all the requirements for reinstatement of the lease as set out in Sec. 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective as of the date of termination, subject to the original terms and conditions of the lease, the increased rental and royalty rates cited above, and reimbursement for cost of publication of this Notice.

Dated: April 3, 1989.

Elaine L. Kaufman,

Acting Chief, Fluids Adjudication Section.

[FR Doc. 89-8784 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-DN-M

[NV-930-09-4212-11; N-49775]

Shoshone-Eureka Resource Area; Nevada

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of realty action; Recreation and public purposes (R&PP) Act Classification; Lander County, Nevada.

SUMMARY: The following public lands in Lander County, Nevada have been examined and found suitable for classification for lease to Lander County under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). Lander County proposes to use the lands for development of a recreation site for a radio controlled model aircraft flying facility.

Mount Diablo Meridian, Nevada

T. 32 N., R. 44 E.,

Section 38, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The parcel described contains 10 acres, more or less.

Lease is consistent with the Bureau's planning for this area and would be in the public interest. The lands are not required for any Federal purpose.

The lands are encumbered with mining claims; therefore, lease will be subject to the existing rights of the mining claimant of record. Lease of the land will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease issuance.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the *Federal Register*, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, subject to existing mining claims, except for lease under the Recreation and Public Purposes Act and leasing under the mineral leasing law. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease or classification of the lands to the District Manager, Battle Mountain District Office, P.O. Box 1420, Battle Mountain, Nevada 89820. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments the classification will become effective 60 days from the date of publication of this notice.

Michael C. Mitchell,

Acting District Manager.

[FR Doc. 89-8802 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-HC-M

[NM-940-09-4730-12]

New Mexico; Filing of Plats of Survey

April 4, 1989.

The plats of survey described below are on open file in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, pending official filing. Effective at 10:00

a.m. on May 15, 1989, these plats will be officially filed.

A survey representing the dependent resurvey of a portion of the south boundary, a portion of the east boundary (first auxiliary guide meridian west), a portion of the subdivisional lines, and the subdivision of sections 25, 26, 35, and 36, and the survey of certain lot boundaries in section 26, Township 2 South, Range 5 West, NMPM, NM. This survey was requested by the District Manager, Las Cruces District, Las Cruces, New Mexico.

A survey representing the dependent resurvey of a portion of the north boundary of the Santa Cruz Grant, portions of the subdivisional lines, and certain lot boundaries in sections 34 and 36, and the survey of certain lot boundaries in sections 34 and 36, and the remonumentation of a certain corner in section 26, Township 21 North, Range 9 East, NMPM, NM. This survey was requested by the District Manager, Albuquerque District, Albuquerque, New Mexico.

A survey representing the dependent resurvey of a portion of the west boundary, a portion of the north boundary, a portion of the subdivisional lines and the subdivision of sections 2, 4, 10, 14, 18, and 22, Township 7 North, Range 4 West, NMPM, NM. This survey was requested by the Area Manager, Albuquerque Area Office, BIA, Albuquerque, New Mexico.

A survey representing the dependent resurvey of a portion of the Indian Meridian, a portion of the subdivisional lines, portions of the right bank of the avulsed channel of the Deep Fork River in sections 22 and 30, and the adjusted record meanders of the 1893 right bank of the Deep Fork River in section 28, and the subdivision of sections 22, 28, and 30, the approximation of portions of the 1893 left bank of the Deep Fork River in section 28, the survey of portions of the left bank of the avulsed channel of the Deep Fork River in sections 22 and 30, portions of the medical line of the avulsed channel of the Deep Fork River in sections 22, 28, and 30, and partition lines in sections 22, 28, and 30, Township 14 North, Range 1 East, IM, OK. This survey was requested by the District Manager, Tulsa District, Tulsa, Oklahoma.

A survey representing the dependent resurvey of a portion of the subdivisional lines, and a portion of the adjusted record meanders of the right bank of the North Fork of the Canadian River in sections 11 and 12, and approximated portions of the 1873 left bank of the North Fork of the Canadian River, the survey of partition lines in sections 11 and 12, and the survey of

portions of the 1873 medial line of the avulsed portion of the North Fork of the Canadian River in sections 11 and 12, Township 11 North, Range 4 West, IM, OK.

The supplemental plat showing the boundary between lots 34 and 62, in section 3, Township 3 South, Range 1 East, NMPM, NM. This plat was requested by BLM records.

These plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P. O. Box 1449, Santa Fe, New Mexico 87504. Copies may be obtained from this office upon payment of \$2.50 per sheet.

Kelly R. Williamson,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 89-8785 Filed 4-12-89; 3:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's Information Collection Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service and OMB, Paperwork Reduction Act Project (1018-0022), Washington, DC 20503, telephone 202-395-7340.

Title: Federal Fish and Wildlife Permit/License.

OMB Approval No.: 1018-0022.

Abstract: The Service regulates the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife, as required by regulations contained in 50 CFR Subchapter B. Persons desiring to obtain such permit privileges, must make application in accordance with the requirements of 50 CFR Part 13, and other regulations in Subchapter B which set forth the additional requirements for the specific permits desired. The information is used by the Service to determine if the applicant is qualified to receive any of the specific permits for wildlife.

Service Form number: 3-200.

Frequency: On occasion.

Description of Respondents:

Individuals or households, businesses, and public and private educational institutions.

Estimated Completion Time: The reporting burden is estimated to vary from 15 minutes for general applications or renewals, to 4 hours per response for specific types of permits and/or recordkeeping requirements, with an average of .803 hours per response.

Annual Responses: 19,120 respondents (each respondent averages 1.67 responses annually).

Annual Burden Hours: 25,640.

Service Information Collection Clearance Officer: James E. Pinkerton, 202-653-7500, Room 859 Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

David Olsen,

Acting Assistant Director—Refuges and Wildlife.

Date: February 9, 1989.

[FR Doc. 89-8801 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Receipt of Outer Continental Shelf Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5344, Block 539, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on April 5, 1989. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the

accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. E.H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: April 6, 1989.

J. Rogers Percy,
Regional Director, Gulf of Mexico OCS
Region.

[FR Doc. 89-8783 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Environmental Statements; Availability; Denali National Park, AK

AGENCY: National Park Service, Interior. Mining in Alaska National Park System Units.

ACTION: Notice of availability of draft environmental impact statements.

SUMMARY: This notice announces the availability of draft environmental impact statements (EIS) for mining in three units of the National Park Service System in Alaska. The park units are Denali National Park and Preserve,

Wrangell-St. Elias National Park and Preserve, and Yukon-Charley Rivers National Preserve. These EISs were prepared in response to the need to evaluate the minerals management program and the cumulative effects of multiple mining operations in these park units. The EISs will also meet the requirements established by the U.S. District Court (District of Alaska) pursuant to litigation filed by the Northern Alaska Environmental Center, Alaska Chapter of the Sierra Club, and Denali Citizens Council (J85-990 Civil). A final judgment and injunction was issued on March 3, 1988. This notice also announces public hearings for the purpose of receiving public comments on the draft EISs.

DATES: Comments on the draft EISs should be received no later than 60 days from the date of this notice. The public hearings will be held in Anchorage and Fairbanks, Alaska, in April or May 1989. The exact dates and locations of the public hearings will be announced in local media.

ADDRESSES: Comments on the draft EISs should be submitted to Steven Hunt, Project Coordinator, Minerals Management Division, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503 (telephone 907-257-2616). Public reading copies of the draft EISs will be available for review at the following locations:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, DC 20013-7127 (telephone 202-343-6843)

National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503 (telephone 907-257-2616)

Denali National Park and Preserve Headquarters, P.O. Box 9, Milepost 237, George Parks Highway, Denali Park, AK 99755 (telephone 907-683-2294)

Wrangell-St. Elias National Park and Preserve Headquarters, P.O. Box 29, Mile 105.5, Richardson Highway, Glennallen, AK 99588 (telephone 907-822-5234)

Yukon-Charley Rivers National Preserve Headquarters, P.O. Box 64, Front Street, Eagle, AK 99738 (telephone 907-547-2233).

A limited number of copies of the draft EISs are also available on request from the Minerals Management Division, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503 (telephone 907-257-2616).

SUPPLEMENTARY INFORMATION: The draft EISs present four alternatives for managing mining activity, analyzing cumulative impacts, and mitigating environmental impacts in Denali National Park and Preserve, Wrangell-St. Elias National Park and Preserve, and Yukon-Charley Rivers National Preserve. The proposed action, Alternative B, involves the review of mining activity under existing authorities and regulations with an emphasis on a quantitative approach for reviewing proposed mining and assessing cumulative effects.

Alternative A (post-1985 status quo/no action) involves the review of mining activity under existing authorities and regulations and emphasizes a qualitative approach for reviewing proposed mining and assessing cumulative effects. Alternative C is identical to the proposed action but also entails patent restrictions for new mineral patents and a strengthened program for mining claim acquisition. Alternative D involves the acquisition of all patented and valid unpatented mining claims; mining activity would be discontinued entirely. The alternatives were analyzed for impacts on wetlands, water resources, wildlife resources, subsistence, recreation, visual quality, wilderness values, cultural resources, and socioeconomic environment. Alternative A could have the greatest impact on park resources as it involves the highest level of possible future mining and nonmining uses of mining claims. Each of the remaining alternatives involve lower levels of future mining than Alternative A, and less of an impact on park resources.

FOR FURTHER INFORMATION CONTACT: Floyd W. Sharrock, Chief, Minerals Management Division, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, Alaska 99503 (telephone 907-257-2616).

Boyd Evison,

Regional Director, Alaska Region.

[FR Doc. 89-8652 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-70-M

Bureau of Reclamation

American River Service Area Water Contracting Program, California

AGENCY: Bureau of Reclamation (USBR).

ACTION: Extension of comment period on draft environmental impact statement (INT-DES 88-60).

SUMMARY: The comment period for the American River Service Area Draft Environmental Impact Statement (DEIS) has been extended to May 8, 1989. Comments on the DEIS may be

submitted in writing to the Regional Director, Bureau of Reclamation, Mid-Pacific Region, Attention: MP-750, 2800 Cottage Way, Sacramento, CA 95825-1898.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Payne or Mr. William Tully (Bureau of Reclamation, Mid-Pacific Region, Sacramento, CA 95825), telephone (916) 978-5130; or Dr. Wayne Deason (Manager, Environmental Services, Denver, CO), telephone (303) 236-9336.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 89-8750 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-09-M

Delta Export Service Area Water Contracting Program, California

AGENCY: Bureau of Reclamation (USBR).
ACTION: Extension of comment period on draft environmental impact statement (INT-DES 88-61).

SUMMARY: The comment period for the Delta Export Service Area Draft Environmental Impact Statement (DEIS) has been extended to May 8, 1989. Comments on the DEIS may be submitted in writing to the Regional Director, Bureau of Reclamation, Mid-Pacific Region, Attention: MP-750, 2800 Cottage Way, Sacramento, CA 95825-1898.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Payne or Mr. William Tully (Bureau of Reclamation, Mid-Pacific Region, Sacramento, CA 95825), telephone (916) 978-5130; or Dr. Wayne Deason (Manager, Environmental Services, Denver, CO), telephone (303) 236-9336.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 89-8751 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-09-M

Sacramento River Service Area Water Contracting Program, California

AGENCY: Bureau of Reclamation (USBR).
ACTION: Extension of comment period on draft environmental impact statement (INT-DES 88-59).

SUMMARY: The comment period for the Sacramento River Service Area Draft Environmental Impact Statement (DEIS) has been extended to May 8, 1989. Comments on the DEIS may be submitted in writing to the Regional Director, Bureau of Reclamation, Mid-Pacific Region, Attention: MP-750, 2800 Cottage Way, Sacramento, CA 95825-1898.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Payne or Mr. William Tully (Bureau of Reclamation, Mid-Pacific Region, Sacramento, CA 95825), telephone (916) 978-5130; or Dr. Wayne Deason (Manager, Environmental Services, Denver, CO), telephone (303) 236-9336.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 89-8752 Filed 4-12-89; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-293]

Import Investigations; Crystalline Cefadroxil Monohydrate

In the Matter of Certain Crystalline Cefadroxil Monohydrate.

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on April 24, 1989, in Courtroom A (Room 100), U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, and the TEO hearing will commence immediately thereafter.

The Secretary shall publish this notice in the Federal Register.

Issued: April 6, 1989.

Janet D. Saxon,

Chief Administrative Law Judge.

[FR Doc. 89-8744 Filed 4-12-89; 8:45 am]

BILLING CODE 7020-22-M

[Investigation 337-TA-283]

Certain Electronic Dart Games; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a consent order agreement: Jui-Sheng, Lin and Cortina International Corporation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of

the initial determination. The initial determination in this matter was served upon the parties on April 6, 1989.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

Written Comments: International persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the Federal Register. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone 202-252-1805.

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: April 5, 1989.

[FR Doc. 89-8742 Filed 4-12-89; 8:45 am]

BILLING CODE 7020-02-M

Sanctions for Breaches of Commission Protective Order

AGENCY: U.S. International Trade Commission.

ACTION: Imposition of sanctions for breaches of a Commission protective order.

SUMMARY: Notice is hereby given of the sanctions imposed by the Commission for breaches of the administrative protective order ("APO") issued in Generic Cephalixin Capsules from Canada, Inv. No. 731-TA-423 (Preliminary) by attorneys from the law

firm of Bryan, Cave, McPheeters & McRoberts, Washington, DC. The Commission has issued public letters of reprimand to David A. Grieme, Esq., formerly of that law firm, and Peter D. Ehrenhaft, Esq., a partner at that law firm, for two inadvertent disclosures of business proprietary information under protective order to persons not authorized to see that information. Mr. Grieme, the person directly responsible for the breaches, has also been barred from access to business proprietary information under Commission APO in Commission investigation for the next six months or until the conclusion of any final antidumping investigation concerning Generic Cephalixin Capsules from Canada, whichever is later.

FOR FURTHER INFORMATION CONTACT: Edwin J. Madaj, Jr., Esq. (202-252-1100), Office of the General Counsel, U.S. International Trade Commission, 500 E. Street, SW., Washington, DC. Copies of the letters of reprimand are available for public inspection in the Office of the Secretary, 500 E. Street, SW., Washington, DC, 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202-252-1810.

SUPPLEMENTARY INFORMATION: In connection with the above-specified investigation, in November 1988, David A. Grieme, Esq., and Peter D. Ehrenhaft, Esq., filed with the Commission applications for APO's enabling them to have access to the business proprietary information gathered by the Commission in this investigation. In the applications, each agreed not to disclose any of the business proprietary information to any person other than personnel of the Commission concerned with the proceeding, the person or agency from whom the information was obtained, or other persons granted access to the business proprietary information under protective order. Both applications acknowledged that violation of the APO could subject themselves, as well as their employer, employees, and other attorneys with their law firm, to debarment from practice before the Commission, referral to the U.S. Attorney or appropriate bar association, denial of access to business proprietary information in the current or any future proceedings before the Commission, or "other administrative sanctions as the Commission determines to be appropriate." The Commission granted the applications.

On December 2, 1988, Mr. Grieme was telephoned by outside counsel for

another party (who was not authorized to see business proprietary information under protective order) who informed him that the confidential version of a submission by Bryan, Cave had been served upon him. The submission discussed a variety of business proprietary information obtained from the responses to Commission questionnaires. The confidential version of the submission was destroyed by the outside counsel.

Mr. Grieme, after consulting with Mr. Ehrenhaft, contact the Commission and the questionnaire respondents whose data had been disclosed. However, in the process of contacting the questionnaire respondents, a further breach of the APO was committed.

The Commission offered the persons under the protective order at Bryan, Cave the opportunity to be heard on the question of whether a breach of the protective order had occurred, and, if so, the level of sanction that would be appropriate. A response was made by the relevant attorneys at Bryan, Cave, and was considered by the Commission.

Mr. Grieme has received the sanctions described above for twice disclosing business proprietary information under APO to persons not authorized to see such information. Although such disclosures were not deliberate or intentional, they reflect a lack of due care for information under the protection of an APO. Mr. Ehrenhaft is reprimanded as the attorney who was responsible for supervising Mr. Grieme, and particularly for not taking steps to prevent the second breach, which occurred after Mr. Ehrenhaft had knowledge of the first breach by Mr. Grieme.

Authority: The authority for this action is conferred by section 777(c)(1)(B) of the Tariff Act of 1930, as amended, 19 U.S.C. 1677(c)(1)(B), as amended, and by § 207.7(d) and (e) of the Commission's rule of practice and procedure, as amended, 19 CFR 207.7(d) and (e), as amended.

By order of the Commission.
Kenneth R. Mason,
Secretary.

Issued: April 7, 1989.

[FR Doc. 89-8743 Filed 4-12-89; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-288]

Import Investigations; Straight Knife Cloth Cutting Machines

In the Matter of Certain Straight Knife Cloth Cutting Machines

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on May 1, 1989, in

Courtroom B (Room 111), U.S. International Trade Commission Building, 500 E. Street SW., Washington, DC, and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the Federal Register.

Janet D. Saxon,
Chief Administrative Law Judge.

Issued: April 6, 1989.

[FR Doc. 89-8745 Filed 4-12-89; 8:45 am]
BILLING CODE 7020-02-M

[Inv. No. 337-TA-256]

Certain Cryogenic Ultramicrotome Apparatus and Components Thereof; Lifting of Suspension of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Lifting of the suspension of the above-captioned investigation.

SUMMARY: The investigation was suspended during the pendency of patent reexamination proceedings in the United States Patent and Trademark Office (PTO), involving U.S. Letters Patent 3,680,420 (the '420 patent), the patent at issue in the investigation. The Commission has determined to lift the suspension of the investigation.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E. St., SW., Washington, DC 20436, Room 707M, telephone 202-252-1102. Hearing impaired individuals are advised that information in this matter can be obtained by contacting the Commission's TDD terminal at 202-252-1810.

SUPPLEMENTARY INFORMATION: On March 12, 1987, the presiding administrative law judge issued an initial determination (ID) granting complainant's motion to suspend the investigation pending completion of patent reexamination proceedings in the PTO involving the '420 patent. On April 15, 1987, the Commission issued its notice of determination not to review the ID. 52 FR 13324 (April 22, 1987). On January 31, 1989, the PTO's Board of Patent Appeals and Interferences issued a decision reversing the rejection of claims 1, 6, 10-11, 16, and 21 of the '420 patent, and affirming the rejection of claim 12-14. On February 21, 1989, complainant Research and Manufacturing Co. filed a motion to lift the suspension of the investigation. On March 3, 1989, respondents Cambridge Instruments Inc., Reichert-Jung Inc., and C. Reichert Optische Werke A.G. filed a

response in opposition to the motion, and the Commission investigative attorney filed a response in support of the motion. The record indicates that the patent owner does not intend to file an appeal of the Board's decision. Authority for the Commission's action is contained in 19 U.S.C. 1337 and 19 CFR Part 210.

Copies of all non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000.

By Order of the Commission.
Kenneth R. Mason,
Secretary.

Issued: April 5, 1989.

[FR Doc. 89-8741 Filed 4-12-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-295]

Certain Novelty Teleidoscopes; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 7, 1989, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Homespun Imports, Inc., d/b/a Silver Deer Ltd., 4824 Sterling Drive, Boulder, Colorado 80301. The complaint was supplemented on March 29, 30, and April 3, 1989. The complaint, as supplemented, alleges violations of subsection (a)(1)(A) of section 337 in the importation of certain novelty teleidoscopes into the United States, or in the sale of such novelty teleidoscopes, by reason of alleged: (1) Infringement of common law trademark; (2) false designation of sponsorship, source, or origin and false description; (3) passing off; and (4) common-law unfair competition, the threat or effect of which is to substantially injure an industry in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m.

to 5:15 p.m.) in the office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone 202-252-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

FOR FURTHER INFORMATION CONTACT: Deborah D. Sorkin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-252-1576.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33057 (Aug. 29, 1988).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 4, 1989, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 in the importation of certain novelty teleidoscopes into the United States, or in the sale of such novelty teleidoscopes, by reason of alleged (1) common law trademark infringement and (2) false representation of source, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Homespun Imports, Incorporated, d/b/a Silver Deer Ltd., 4824 Sterling Drive, Boulder, Colorado 80301.

(b) The respondents are the following companies alleged to be in violation of section 337, and the parties upon which the complaint is to be served:

Imperial Toy Corporation, 2060 East Seventh Street, Los Angeles, California 90021
Importoys, Inc., 441 N. Oak Street, Inglewood, California 90302-3314

Western Novelty Company, 5670 Washington, Denver, Colorado 80216
Universal Specialties Co., Inc., 7355 W. Vickery Boulevard, Fort Worth, Texas 76116

Mans Trading Company, 375 Oyster Point Boulevard, Unit 6, South San Francisco, California 94080

Universal Manufacturing Company, GPO Box 4687, Dominion Center, 17th Floor, Queen's Road East, Hong Kong.

(c) Deborah D. Sorkin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Room 401M, Washington, DC 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall

designate the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33057 (Aug. 29, 1988). Pursuant to §§ 201.16(d) and 201.21(a) of the Commission's Rules (19 CFR 201.16(d) and 53 FR 33034, 33057 (Aug. 29, 1988)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order of both indirected against such respondent.

By order of the Commission.

Issued: April 5, 1989.

Kenneth R. Mason,
Secretary.

[FR Doc. 89-8739 Filed 4-12-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-287]

Certain Strip Lights; Commission Decision Not To Review an Initial Determination Amending Complaint and Notice of Investigation To Remove Certain Counts

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has decided not to review an initial determination (ID) (Order No. 6) issued by the presiding administrative law judge (ALJ) amending the complaint and notice of investigation in the above-referenced investigation by removing the counts relating to alleged trade dress violations and to alleged misappropriation of photographs for use

in advertising under section 43(a) of the Lanham Act.

ADDRESSES: Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000.

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1095.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

SUPPLEMENTARY INFORMATION: On March 10, 1989, the presiding ALJ issued an ID amending the complaint and notice of investigation by removing the counts relating to alleged trade dress violations and to alleged misappropriation of photographs for use in advertising under section 43(a) of the Lanham Act. No petitions for review of the ID or government agency comments were received. This action is taken under the authority of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission interim rule § 210.53(h).

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: April 5, 1989.

[FR Doc. 89-8740 Filed 4-12-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-432
(Preliminary)]

Drafting Machines and Parts Thereof From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-432 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an

industry in the United States is materially retarded, by reason of imports from Japan of drafting machines and parts thereof, provided for in subheadings 9017.10.00 and 9017.90.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by May 22, 1989.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: April 7, 1989.

FOR FURTHER INFORMATION CONTACT: Mary Trimble (202-252-1183), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION: *Background.* This investigation is being instituted in response to a petition filed on April 7, 1989, by Vemco Corporation, San Dimas, CA.

Participation in the investigation. Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list. Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany

the document. The Secretary will not accept a document for filing without certificate of service.

Limited disclosure of business proprietary information under a protective order. Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this preliminary investigation to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on April 28, 1989 at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Mary Trimble (202-252-1183) not later than April 26, 1989, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions. Any person may submit to the Commission on or before May 2, 1989, a written brief containing information and arguments pertinent to the subject matter of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business

proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than May 5, 1989. Such additional comments must be limited to comments on business proprietary information received in or after the written briefs.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: April 10, 1989.

[FR Doc. 89-8849 Filed 4-12-89; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31435]

The Central Railroad Co. of Indianapolis; Operation Exemption; in Howard County, IN

The Central Railroad Company of Indianapolis (CRCI) has filed a notice of exemption to operate a line of railroad owned by Kokomo Grain Company, Inc., a non-carrier. The line extends between milepost 0.0 at the junction of the line with the Consolidated Rail Corporation and milepost 1.51 at the end of the track, in Kokomo, Howard County, IN, a distance of 1.51 miles. The transaction is expected to be consummated upon the effective date of this notice. Any comments must be filed with the Commission and served on: Carl M. Miller, Miller & Miller, P.O. Box 246, 407 Broadway, New Haven, IN 46774-0246.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Decided: April 6, 1989.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-8825 Filed 4-12-89; 8:45 am]

BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Enrolled Actuaries Under Employee Retirement Income Security Act of 1974

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice.

SUMMARY: On September 7, 1988, a final rule was published in the *Federal Register* (53 FR 34481) amending the regulations governing the performance of actuarial services under the Employee Retirement Income Security Act of 1974 (ERISA) by requiring that those enrolled to perform actuarial services under ERISA (enrolled actuaries) renew their enrollment periodically. A condition of eligibility for renewal is the satisfaction of continuing professional education requirements set forth in the amendment.

Pursuant to § 901.11(g)(5) of the amendment, this notice contains a listing of those who have been approved by the Executive Director of the Joint Board as being qualified to offer programs for continuing professional education for enrolled actuaries. Also listed are professional organizations or societies whose programs include offering continuing professional education opportunities in subject matter within the scope of the amendment. They also have been approved by the Executive Director of the Joint Board as sponsors for this purpose.

DATE: The listings of qualified sponsors of continuing education programs for enrolled actuaries reflect those approved by the Executive Director of the Joint Board as of April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, DC 20220, (202) 535-6787.

SUPPLEMENTARY INFORMATION: The administration of the program relating to enrollment to perform actuarial services under ERISA is the responsibility of the Executive Director of the Joint Board. Regulations governing such enrollment are contained in 20 CFR Part 901, as amended on September 7, 1988.

The amendment requires that those enrolled to perform actuarial services renew their enrollment periodically. A condition of eligibility for renewal is the satisfaction of the continuing professional education requirements delineated in the regulations.

Section 901.11(f)(1) provides that to qualify for continuing education credit, a

course of learning must be conducted by a qualifying sponsor.

Section 901.11(g)(2) provides that to qualify as a sponsor, a program presented must:

- (i) Be an accredited educational institution;
- (ii) Be recognized for continuing education purposes by the licensing body of any State, possession, territory, Commonwealth, or the District of Columbia responsible for the issuance of a license in the field of actuarial science, insurance, accounting or law;
- (iii) Be recognized by the Executive Director of the Joint Board as a professional organization or society whose programs include offering continuing professional education opportunities in subject matter with the scope of this section; or
- (iv) File a sponsor agreement with the Executive Director of the Joint Board to obtain approval of the program as a qualifying continuing education program.

As indicated, only those who wish to qualify under (iii) or (iv) above are required to submit a request to the Executive Director and are subject to approval or recognition by the Executive Director. However, the programs of all sponsors must satisfy the requirements of the regulations to earn credit for continuing professional educational purposes.

Section 901.11(g)(5) requires that a listing of the names of sponsors approved by the Executive Director will be published on a periodic basis. The following listings constitute such publication. Additional names of sponsors may be added to the listings in subsequent publications. These listings are valid through the end of the current cycle, December 31, 1989, unless extended by notice by the Executive Director of the Joint Board.

The following professional organizations or societies whose programs include offering continuing professional education opportunities are recognized pursuant to § 901.11(g)(2)(iii):

- Actuarial Society of Greater New York
- Actuaries Club of Philadelphia
- Actuaries Club of the Southwest
- Adirondack Actuaries Club
- American Society of Pension Actuaries
- Chicago Actuarial Association
- Conference of Actuaries in Public Practice
- 401 Committee on Phoenix Tax Workshop
- Joint Program Committee for the Enrolled Actuaries Meeting
- Louisville Employee Benefit Council
- Society of Actuaries
- Southwest Pension Conference

The following qualifying sponsors have filed agreements and are approved pursuant to § 901.11(g)(2)(iv):

Alexander & Alexander Consulting Group Inc.
Atlanta Consulting Office of TPF&C
Berends & Associates, Inc.
Boston Consulting Office of TPF&C
Buck Consultants, Inc.
Charles D. Spencer & Associates, Inc.
Cleveland Consulting Office of TPF&C
Corbel & Company
Delaware Valley Pension Actuaries Council
Enrolled Actuaries Workshop
Hay-Huggins Company, Inc.
Hewitt Associates
Howard Johnson and Company
Kwasha Lipton
Middle Atlantic Actuarial Club
Miller, Mason & Dickenson, Inc.
Milliman & Robertson, Inc.
National Academy of Social Insurance
National Institute of Pension Administrators
Norstar Employee Benefit Services Inc.
Prentice Hall Law and Business, Inc.
Price Waterhouse
Towers, Perrin, Forster & Crosby
Headquarters—Office of the Chief Actuary
William M. Mercer-Meidinger-Hansen, Inc.
Wyatt Company

Date: April 10, 1989.

Leslie S. Shapiro,
Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 89-8824 Filed 4-12-89; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant To the Clean Air Act; Louisiana Pacific Corp.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 5, 1989, a proposed Consent Decree in *United States v. Louisiana Pacific Corp.*, (W.D. Wisc.) Civil Action No. 89-C-0337-S was lodged with the United States District Court for the Western District of Wisconsin. The consent Decree concerns violations of the Prevention of Significant Deterioration ("PSD") Regulations found at 40 CFR 52.21 and the clean Air Act, 42 U.S.C. 7401 *et seq.* The proposed Consent Decree requires defendant Louisiana Pacific Corporation, among other things, to comply with the requirements of the PSD regulations by submitting a PSD permit application, to pay a civil penalty of \$120,000, to install certain air

pollution control equipment, and to demonstrate compliance with certain air pollution criteria.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Louisiana Pacific Corp.*, D.J. No. 90-5-2-1-1032.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Western District of Wisconsin, 120 North Henry Street, Room 420, Madison, Wisconsin 53703 and the U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.00 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-8779 Filed 4-12-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Water Act; Metropolitan Denver Sewage Disposal District No. 1, et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 3, 1989, a proposed Consent Decree in *United States v. Metropolitan Denver Sewage Disposal District No. 1, et al.* ("Metro Denver"), Civil Action No. 88-Z-535, was lodged with the United States District Court for the District of Colorado. The proposed Consent Decree arises from a civil action filed on March 20, 1986, under the Clean Water Act, 33 U.S.C. 1251 *et seq.* At the suggestion of the Court, the United States amended its complaint on August 6, 1987, to add the Denver Water Board as a party. The amended complaint alleged that Metro Denver and the Denver Water Board had violated the Clean Water Act by

discharging pollutants and contaminants from Metro's Central Plant into the Burlington Ditch and the South Platte River either without a National Pollutant Discharge Elimination System Permit ("NPDES Permit") issued pursuant to section 402 of the Clean Water Act, 33 U.S.C. 1362 or in violation of the NPDES Permit. The consent decree requires Metro Denver to comply with its NPDES Permit, to adopt certain programs to enhance its compliance efforts and to pay a civil penalty of \$1,125,000 to the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Metropolitan Denver Sewage Disposal District No. 1, et al.*, DJ Ref. 90-5-2-1-2581.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Colorado, Byron G. Rogers Federal Building, 1961 Stout Street, Denver, Colorado 80294. Copies of the Consent Decree may be also examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1748, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of \$3.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-8780 Filed 4-12-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act; Modern Plating Corp.; Correction

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on February 15, 1989, a proposed Consent Decree in *United States v. Modern Plating Corp.* Civil Action No. 87C20315, was lodged with the United States District Court for the Northern District of Illinois. The original notice was published in the Federal

Register in Volume 54, No. 31, Thursday, February 16, 1989 (54 FR 7113). In that notice the Consent Decree was incorrectly referred to as lodged on February 7, 1989. Additionally, Modern Plating Corp. has its electroplating facility at Freeport, Illinois, and not Rockford, Illinois, as originally stated.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-8781 Filed 4-12-89; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

National Cooperative Research Notification; National Center for Manufacturing Sciences, Inc.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 (the "Act"), the National Center for Manufacturing Sciences, Inc. ("NCMS") has filed an additional written notification with the Attorney General and the Federal Trade Commission on March 9, 1989, concerning the identities of members of the NCMS and certain state-of-the-art investigations it has undertaken. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Currently the NCMS has awarded a number of state-of-the-art investigation contracts in the various manufacturing fields of production equipment design, analysis, testing and control, manufacturing data and factory control, manufacturing processes and materials, manufacturing operations, information and technology transfer and strategic issues.

The notification also provided the correct names of two members, Advanced Control, Inc., and Adept Technology, Inc., that had been misidentified in previous notifications.

The following are additional parties that have become members of the NCMS since December 8, 1988:

Ascent Logic Corporation
Electronics Incorporated Motorola
Computer X

With the addition of the three parties listed above, the NCMS membership comprises the following:

Adept Technology, Inc.
Advanced Control, Inc.
Advanced Material Process Corporation
Advanced Technology Materials, Inc.
Airborn, Incorporated

Aircraft Engines Engineering Division
General Electric Company
Amphion, Inc.
American Telephone & Telegraph Co.
Aries Technology, Inc.
Ascent Logic Corporation
Automation Intelligence, Inc.
Bresson, Rupp, Lipa & Company
The Bodine Corporation
The Cincinnati Gilbert Machine Tool Company
Consilium, Inc.
Control Technology, Inc.
The Cross Co.
DeVlieg Machine Company
Digital Equipment Corporation
Dravo Automation Sciences, Inc.
Electronics Incorporated
Erie Press Systems (an EFCO Company)
Extrude Hone Corporation
Fabreeka Products Company
Ford Motor Company
Gearhart Industries, Inc.
General Motors Corporation
Gilbert/Commonwealth, Inc. of Michigan
The Gleason Works
Hardinge Brothers, Inc.
Haworth, Inc.
Hougen Manufacturing Company, Inc.
Hufcor, Inc.
S.E. Huffman Corp.
Hurco Companies, Inc.
Kasper Machine Co.
Kayex Spitfire, a unit of General Signal Corporation
Kinefac Corporation
Kingsbury Machine Tool Corp.
H.R. Krueger Machine Tool, Inc.
The M.D. Larkin Company
Lehr Precision, Inc.
Len Industries, Inc.
Litton Industrial Automation Systems, Inc.
Manuflex Corporation
Masco Machine, Inc.
Master Chemical Corporation
Mattison Machine Works
Mayday Manufacturing Co.
Measurex Automation Systems, Inc.
Mechanical Technology, Incorporated
Medar Inc.
Metal Improvement Company, Inc.
Met-Coil Systems Corporation
Microfab Technologies, Inc.
Modern Engineering Service Company
Moore Special Tool Co. Inc.
Motorola Computer X
Murdock Engineering Company
The National Machinery Company
Newcor Bay City, Division of Newcor, Inc.
Oracle, Inc.
Parker-Majestic, Inc.
Perceptron, Inc.
Plainfield Tool and Engineering, Inc. (d/b/a/Plainfield Stamping-Illinois Incorporated)
Prime Technology, Inc.

Radian Corporation
R&B Machine Tool Company
Recognition Equipment Incorporated
RF Monolithics, Inc.
Rockwell International Corporation
Savoir
Sheffield Machine Tool Company
SpeedFam Corporation
Sybase, Inc.
The Taft-Pierce Manufacturing Company
Technology Integration, Inc.
Teledyne Inc.
Texas Instruments Incorporated
Transform Logic Corporation
Turchan Enterprises, Inc.
United Technologies Corporation
Valisys Corporation
The Vulcan Tool Company
Walker Magnetics Group, Inc.
The Warner & Swasey Co.
Weldon Machine Tool, Inc.
Weyburn-Bartel, Inc.
Wisdom Systems, Inc.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act, notice of which was published by the Department of Justice ("the Department") pursuant to section 6(b) of the Act on March 17, 1987 (52 FR 8375). NCMS filed additional notifications on April 15, 1988 and May 5, 1988, notice of which was published by the Department on June 2, 1988 (53 FR 20194). NCMS also filed additional notifications on July 11, 1988, September 13, 1988 and December 8, 1988, notice of which the Department published on August 19, 1988 (53 FR 31771), November 4, 1988 (53 FR 44680) and January 18, 1989 (54 FR 2006), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-8782 Filed 4-12-89; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Research, Evaluation, and Pilot and Demonstration Project Program, Program Year 1988; Availability of Funds and Request for Applications (SGA/DAA 100-89)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of funds and of Solicitation for Grant Applications.

SUMMARY: The Employment and Training Administration announces the availability of funds for exploring the feasibility of using the "apprenticeship

concept" to assist small businesses in meeting their skilled work force training requirements.

DATES: The closing date for receipt of applications under this announcement is May 30, 1989. Applications must be received by 4:45 p.m. (Eastern Time) at the address below, on May 30, 1989. Any application not reaching the designated place and date of delivery *will not be considered*, unless mailed five days prior to closing date. Applications submitted by mail must be postmarked no later than May 25, 1989. The term "postmark" means a printed, stamped or otherwise place impression (exclusive of postage meter machine impression) that is readily identifiable without further action as having been supplied or affixed on the date of mailing by employees of the U.S. Postal Service.

ADDRESS: Mail or hand deliver applications to: U.S. Department of Labor, Employment and Training Administration, Office of Financial and Administrative Management, Division of Acquisition and Assistance, Room C-4305, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Brenda M. Banks. Reference: SGA/DAA 100-89.

FOR FURTHER INFORMATION CONTACT: Brenda M. Banks, Division of Acquisition and Assistance, Telephone: (202) 535-8702.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) of the Department of Labor (Department) announces the availability of funds to study the current apprenticeship training delivery system, and to explore the feasibility of using alternative delivery systems to meet the training needs of small businesses. The grant awarded as a result of this solicitation will develop and test alternative delivery systems in locations throughout the country.

This grant competition is open to public and private for-profit and non-profit organizations. It is anticipated that the award will consist of approximately \$50,000 for a preliminary study of current system and \$200,000 to \$250,000 each for the development and testing of at least three innovative apprenticeship concept training delivery systems for small businesses. The proposed period of performance is 24 months. It is expected that approximately six (6) months will be devoted to the preliminary study, and six (6) months to developing and initiating the demonstration programs. Twelve (12) months will be allowed for the operating, testing, and refining of model systems.

Anticipated project outcome will be successful delivery systems that may be adopted by small businesses to obtain skilled workers through structured workplace training in an efficient and cost effective manner.

Upon completion of this project, ETA expects to eventually provide technical assistance to local organizations who wish to establish delivery systems determined to be successful under this grant.

1. Background

The Department has devoted substantial resources over the last two years to identifying changes in the workplace that are likely to occur during the remaining years of this century and into the next. From this effort, ETA is focusing on issues relating to the American work force and its training needs.

In December 1987, the Department launched the Apprenticeship 2000 initiative with the publication of an issue paper in the *Federal Register* at 52 FR 45904 (December 2, 1987). See also 53 FR 40326 (October 4, 1988); 53 FR 34250 (September 2, 1988); 53 FR 20836 (June 3, 1988); and 53 FR 961 (January 14, 1988). The purpose of this initiative is to review the apprenticeship concept to determine its future role in meeting American's needs for a skilled work force.

The basic premise of the initiative is that scrutiny should be given to the apprenticeship concept of structured on-the-job training combined with related classroom instruction, and serious consideration given to increasing the role of apprenticeship in preparing workers for skilled jobs. This is a concept which holds potential for meeting both the needs of employers in industries facing skill shortages as well as the needs of targeted populations, such as workers who may periodically require retraining or upgrading, dislocated workers, or the at risk youth population.

Two key components of this initiative are (1) a public dialogue and (2) a two-phased research program. The first phase consisted of short-term research papers; the second phase will involve longer-term projects.

The purpose of the first phase of the research program was to carefully analyze a number of key issues and to develop and support recommendations for the future direction of apprenticeship. These short-term projects were completed in October 1988 and will be used in preparing the report of findings and recommendations on the future role of apprenticeship.

The second phase of the research program, the longer-term projects, will include demonstration projects with features such as testing the feasibility of expanding the apprenticeship concept of training to new industries, testing alternative delivery systems, increasing the efficiency and quality of operations, and testing expansion to targeted groups.

This solicitation for grant application (SGA) represents one of the areas to be investigated further. It will provide a thorough consideration of adaptation of current apprenticeship and apprenticeship concept training system, policies and procedures to better meet the skilled training needs of small businesses in the future.

The current delivery system for most apprenticeships is the joint labor/management committee established through a collective bargaining agreement. Such a delivery system is prevalent in the construction industry, where traditionally most apprentices are employed. Generally, apprenticeship programs operated by such committees have proven to be successful and are considered to be high quality programs.

With the advent of changing demographics, increased number of high technology occupations, and a larger percentage of the work force in the services industry, it is important to examine ways to expand the apprenticeship concept of training. To provide quality skill training in new and emerging areas, a delivery system similar to that enjoyed by the construction industry should be considered. The Department believes that since the successful structure of the building trades does not exist in many industries, and particularly with respect to small business, that an alternative system may be needed if the apprenticeship concept of training is to expand to non-traditional areas.

Small businesses are the employers of the largest number of workers, but because of their relative size, generally do not have the resources, or interest, to provide formal structured skill training. Because the need for skilled workers is increasing, the Department is examining methods to assist small and mid-size businesses to provide such training in an economical and private (non-subsidized) manner. Possibly, by bringing a number of small businesses together, in a scheme similar to the successful building trades system, a workable alternative skilled training system can be developed that can then be replicated throughout the country.

2. Statement of Work

This grant will involve thorough study and understanding of the current apprenticeship delivery system and exploration of the feasibility of developing a number of alternative delivery systems which could effectively address the skilled training requirements of small businesses. For the purposes of this project small businesses are defined as those which could be expected to employ approximately 20 or fewer apprentices. A "delivery system" is the method by which sponsors of structured workplace training provide the selection of trainees, and manage and oversee the operation of their program.

Work on this grant will be performed in two major parts:

Part I

A literature search will be conducted for identification of any previous attempts or successful approaches of addressing this topic. Meetings and discussions will be conducted to obtain information from small businesses. Information sought will pertain to their skill training needs, interest in participating in structured skill training or the apprenticeship concept training programs, problems experienced in such activities or that they perceive, and their recommendations for adapting the present apprenticeship concept to make it more conducive to meeting their needs. Collected information will be summarized and analyzed. Recommendations will be made for development of varying delivery systems that will address the skill training needs of small businesses in a practical and successful manner.

Part II

Upon completion of Part I, and approval by the project officer, at least three demonstration programs will be developed and initiated to test the relative practicality of the previously developed recommendations. The Department will probably propose some demonstration sites.

The demonstration projects, each utilizing different delivery systems, will be developed and operated for a twelve month period in varying locations of the country. The grantee will be responsible for all aspects of developing a system of assisting small business organizations to work together to establish a structured workplace training program. Minimum characteristics of such a program are currently under review but are proposed to be:

- Skill that can be learned through a combination of structured on-the-job

training (OJT) and related, theoretical instruction.

- Is widely recognized by industry as an occupation.
 - Involves professional, subprofessional, technical or clerical skills, or a combination thereof.
 - Occurs under the guidance of a skilled worker.
 - Involves specific skill competencies that are measured and recognized as an outcome of the apprenticeship.
 - Program is registered and skills mastered are certified according to nationally established standards.
 - Likely competency based.
 - Industry-based.
 - Could range from 6 months to several years.
 - Earn while learning, with progressive wage scale.
 - Driven by labor market demand.
- Grantee will be advised of finally determined characteristics.

System development activities will include for example, program direction, on-the-job training and curriculum/classroom training development, record keeping, and program monitoring. Such programs do not have to be for the traditional apprenticeable occupations. Development of the programs must include appropriate contact with local and state government, labor, management, and education officials. An evaluation component is expected for each demonstration program. Each evaluation should include, but not be limited to, consideration of the number of small business employers and trainees participating, dropout rates, costs, community acceptance, employer's cooperation, and long-term prospects for continuing successful operations. Long-term continuance of the tested programs must be addressed and considered in the evaluation component. Demonstration programs are to be in non-construction, non-manufacturing industries and focused primarily on high tech and service occupations, e.g., medical, hospitality, and financial areas.

Synopsis

Part I 6 months

- Preliminary study
 - Literature search
 - Meetings/discussions with small businesses
- Recommendations developed.

Part II 6 months (after completion of Part I)

- Demonstration programs developed and initiated 12 months (after development/initiation)
- Operation/refining of demonstration projects

- Submission of final report/recommendations.

Application Process

A. Eligible Applicants

This solicitation is open to public, profit and non-profit organizations. However, any award made as a result of this solicitation will be non-fee bearing.

B. Application Package

All instructions and forms required for submittal of applications are included in this announcement. An original and three (3) copies of the application shall be submitted. The application package shall consist of two (2) separate and distinct parts. Part A shall contain Standard Form 424, A & B, (Appendices 1, 2 & 3). Part B shall contain a detail proposal which demonstrates the applicant's capabilities to provide the services as outlined in this announcement. Proposals should describe the proposed technical approach, including phasing of tasks, scheduling of time and personnel. Part B shall not include or make reference to cost or pricing data so that an independent evaluation may be made on the basis of technical merit.

C. Other Available Materials

The documents published in the Federal Register at 52 FR 45904, December 2, 1987, and the *Report of Public Comments* are available upon request. To receive copies, send a self-addressed gummed label to Brenda Banks at address listed for delivery of applications. *Telephone requests will not be honored.*

D. Evaluation Criteria

Applications will be reviewed by a panel of specialists within DOL/ETA. Each panel member will evaluate applications for acceptability with emphasis on factors enumerated below:

1. Program Design (45 points)

The degree to which applications reflect sound program design and methods. Areas that will be examined include the following:

- a. The applicants understanding of the basic aims and objectives of the project.
- b. The appropriateness of the applicant's approaches and methods for information gathering and evaluation, problem identification and technical solutions, management and performance.
- c. Innovative yet practical proposed demonstrations that reflect determined needs and potential issues.
- d. Knowledge of the apprenticeship system and concept of training.

2. Administrative Capability (15 points)

Applications will be evaluated in terms of the capability of the:

a. Applicant's apparent capability for managing such a technical and multi-phased project.

b. Indication of the applicant's ability to perform within the timeframes provided.

3. Staff Capability (15 points)

Applications will be evaluated in terms of the degree to which:

a. The duties outlined for key executive, managerial, and technical positions appear appropriate to the work that will be conducted under the award.

b. The qualifications of the persons designated for key executive, managerial, and technical positions appear to match the requirements of these positions.

4. Previous Experience (25 points)

The applications will be evaluated on the degree to which the applicant demonstrates that he has successfully carried out programs or work of a similar nature in the past.

Applicants are advised that discussions may be necessary in order to clarify any inconsistencies in their applications. The reviewers' evaluations are only advisory to the Grant Officer. The final decision to award the grant will be made by the ETA Grant Officer, after considering the panelists' scoring decisions. The Grant Officer's decision will be based on what he determines is most advantageous to the Federal Government in terms of technical quality and other factors.

E. Deliverables

• Grantee shall attend a two-day meeting at the U.S. Department of Labor to receive orientation as to the overall intent and scope of this project.

• Written status reports will be provided to the project officer on a monthly basis beginning 30 days from the grant execution date.

• Two copies of grantee's draft report summarizing findings of preliminary studies as described in Part I and detailed recommendations for demonstration projects will be submitted by no later than 5 months from grant execution date. Two copies

of a final report shall be submitted no later than 6 months from grant execution date.

• Based upon recommendations approved by project officer grantee will develop and initiate no later than 12 months from grant execution date, at least (3) demonstration projects to test the practicality and effectiveness of the recommended approaches.

• Grantee will operate and refine as necessary demonstration projects for a 12-month period and will provide project officer with a draft demonstration project evaluation report no later than 22 months from grant execution date and a final report no later than 24 months from grant execution date.

F. Closing Date for Receipt of Application

The closing date for receipt of applications under this solicitation is May 30, 1989.

Signed at Washington, DC, on April 4, 1989.

Roberts T. Jones,

Assistant Secretary of Labor.

BILLING CODE 4510-33-M

APPENDIX 1

OMB Approval No. 0348-0043

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
				3. DATE RECEIVED BY STATE	State Application Identifier
				4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION					
Legal Name			Organizational Unit		
Address (give city, county, state, and zip code):			Name and telephone number of the person to be contacted on matters involving this application (give area code)		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): [][] - [][][][][][][][][]			7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/>		
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision			A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District		
If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____			H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____		
9. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [][][] - [][][][][][][][][]			8. NAME OF FEDERAL AGENCY:		
TITLE:			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):					
13. PROPOSED PROJECT: Start Date Ending Date		14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project			
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
a. Federal	\$.00	a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____			
b. Applicant	\$.00	b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372			
c. State	\$.00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
d. Local	\$.00				
e. Other	\$.00				
f. Program Income	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?			
g. TOTAL	\$.00	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED					
a. Typed Name of Authorized Representative			b. Title		c. Telephone number
d. Signature of Authorized Representative					e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV. 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|--|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

Appendix 2—Standard Form 424A

Standard Form 424A may be obtained by contacting Brenda M. Banks, Department of Labor, Employment and

Training Administration, Office of Financial and Administrative Management (OFAM), Division of Acquisition and Assistance, Room C—

4305, 200 Constitution Ave., NW., Washington, DC 20210, telephone: (202) 535-8706.
BILLING CODE 4510-33-M

APPENDIX 3

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

[FR Doc. 89-8633 Filed 4-12-89; 8:45 am]

BILLING CODE 4510-33-C

[SGA-DAA 89-103]

Announcement for Competitive Grant Award for Technical Assistance and Training Project

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of solicitation for grant applications.

SUMMARY: The Employment and Training Administration (ETA) announces the availability of funds for one technical assistance and training project to increase the level and improve the quality of employer participation in joint ES-JTPA planning, and solicits grant applications for that project.

DATES: The closing date for receipt of applications under this announcement is May 30, 1989, 4:45 p.m. local time. To receive consideration, an application submitted must be received at the address below no later than May 30, 1989. Any application not reaching the designated place and date of delivery will not be considered.

Hand-delivered applications must be received by 4:45 local time May 30, 1989.

It is preferred that applications be mailed. The SGA number identified above (SGA-DAA 89-103) must appear on the outside of the mailing container. Telephone requests will not be honored.

ADDRESS: Mail or hand deliver applications to: U.S. Department of Labor, Employment and Training Administration, Office of Financial and Administrative Management (OFAM), Division of Acquisition and Assistance, Room C-4305, 200 Constitution NW., Washington, DC 20210, Attention: Gwendolyn Simms; Reference SGA-DAA 89-103.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Simms, Division of Acquisition and Assistance, Telephone: (202) 535-8706.

SUPPLEMENTAL INFORMATION: The Employment and Training Administration (ETA) proposes to fund a three-part technical assistance project designed (1) to inform private industry councils (PICs) and Job Service employer committees (JSECs) of JTPA/ES provisions requiring PIC involvement in the planning and preparation of local Employment Service (ES) plans, and (2) to assist States in facilitating that involvement.

Funding for the project is authorized by the Job Training Partnership Act (JTPA), as amended, Title IV—Federally Administered Programs, Part D—National Activities. ETA has available

approximately \$100,000 for this activity for a grant period not to exceed twelve (12) months.

This program announcement consists of three parts. Part I provides background information on the 1982 amendments to the Wagner-Peyser Act and addresses the requirement for employer participation in the development of local ES plans. Part II describes the programmatic topic for which ETA is soliciting applications. Part III describes the grant application process.

Part I—Background

The Wagner-Peyser Act, as amended in 1982, established a new planning process for the public Employment Service System. State Employment Security Agencies (SESAs) were, for the first time, required to involve PICs and other employer representatives in preparation of local ES plans. States were required under the Wagner-Peyser Act to provide planning guidance to the service delivery areas (SDAs) and assist SDAs in facilitating employer participation in the development of local ES plans.

The project will enhance the provision of services under JTPA (and create ultimate cost savings for the program) by training PICs and JSECs in the joint planning process and ensuring coordination in ES and JTPA in that process.

States have been uneven in their implementation of employer participation. ETA would like to identify those States where involvement of PICs and JSECs has been most vigorously and effectively pursued, document how employer groups have cooperated to impact ES planning and program operations, and share that knowledge with those States that have been less successful in achieving strong PIC/JSEC participation.

Part II—Programmatic Topics

Under this program, the offeror shall:

1. Provide direct technical assistance and training to enable PICs and other employer representative groups, such as JSECs, to more fully participate in preparation of local Employment Service plans. Technical assistance and training will be provided at State and local levels through multi-State training sessions.

2. Identify "best State practices" for involving PICs and JSECs in local ES planning and document the use and strength of unified PIC/JSEC strategies for employer involvement.

3. Compile a guide/monograph on "best practices" that may be used in the

multi-State technical assistance and training sessions described in paragraph 1 above.

Using available data from reports, and tapping the knowledge of planning participants and/or interested parties at national, regional, and State levels, the contractor is expected to:

- Identify criteria by which vigorous, effective employer involvement may be recognized;

- Identify States which by these criteria may be judged to have successfully supported and facilitated employer involvement;

- Review the activity of the selected States, PICs and JSECs and document "practices" that may be shared with other States;

- Compile best practices into a guide/monograph that can be used in multi-State technical assistance and training sessions; and

- Plan and conduct multi-State technical assistance and training meetings where project findings may be shared and discussed among the States.

Part III—Application process

An original and four copies of the grant application package shall be submitted. The application package shall consist of two (2) separate and distinct parts. Part I shall contain the SF 424, application for federal assistance and 424 A, the budget. See Appendix "A" for standard forms 424 and 424 A and the applicable instructions. Part II shall contain a technical proposal that demonstrates the offeror's capabilities. No cost data or reference to price shall be included in the technical proposal, Part II.

A. Criteria for Award

Prospective offerors are advised that the selection of an offeror for grant award is to be made after careful evaluation of the proposals received, by a panel of specialists within DOL/ETA. Each panelist will evaluate the proposals for acceptability using the criteria listed below.

B. Evaluation Criteria

1. Offeror's understanding of JTPA and Wagner-Peyser Act requirements for employer involvement in joint ES-JTPA planning activities and familiarity with PIC and JSEC responsibilities, organization, and performance. (10 points)

2. Quality and pertinence of the offeror's proposed methods for documenting and measuring State employer involvement practices,

including the sorts of criteria that will be applied, the kind of guide/monograph that the offeror proposes to produce, and the proposed way in which training and technical assistance will be provided. (40 points)

3. The extent to which the offeror has previously engaged in research and/or technical assistance related to State employment security agencies or ES-related employer groups and is currently so organized and functionally engaged as to have access to the kinds of information and contacts needed to carry out the proposed tasks. (20 points)

4. The qualification and experience of offeror's key personnel as they relate to the work required by the proposed study tasks. (It is estimated that the tasks outlined above will require, at a minimum, 1.0 staff years of which .80 staff years will be devoted to the tasks of data collection and analysis, preparation of the guide/monograph, and provision of training and technical assistance, and .20 of which will be applied to clerical support. The offeror is expected to provide facilities for the level of staff proposed.) (20 points)

5. Offeror's proposed costs. (10 points) All applicants are advised that discussions may be necessary in order to clarify any inconsistencies in the applications. The reviews and evaluations are only advisory to the grant officer. The final decision to award will be made by the ETA grant officer after considering evaluation and scoring results. The ETA grant officer's decision will be based on the grant officer's determination of what is most advantageous to the federal government in terms of technical quality and other factors.

C. Reporting Requirements

The grantee shall furnish the reports and documents listed below:

1. Financial Status Report

The grantee shall submit to the Federal Representative an original and two copies of SF 269, Financial Status Report, on a quarterly basis. See Appendix B for SF 269 and applicable instructions.

2. Program Reports

(a) Quarterly Progress Reports. The grantee shall submit to the Departmental Federal Representative 30 days following the end of each quarter, a quarterly progress report, original and 2 copies, which provides a detailed account of activities performed during each quarter of grant performance.

Reports shall include, in brief narrative form, such information as:

(1) A description of overall progress of activities accomplished during the reported period, including summaries of any multi-state meetings;

(2) An indication of any current problems which may delay performance and the proposed corrective action plan, if any; and

(3) Program status and financial data/information relative to expenditure rate versus budget, anticipated staff changes, etc.

(b) Planning Documents. The offeror shall within thirty (30) days following award of the grant submit to the Departmental Federal Representative for review and approval:

- A detailed plan and timetable according to which the activities identified in the grant submittal may be accomplished.

- A list of the written products that will be developed and the dates on which they will be received by USES.

- A proposed schedule for multi-State meetings, providing locations and tentative dates.

- A draft outline of the guide/monograph and a proposed agenda for the multi-State technical assistance and training meetings.

(c) Draft Training Materials/Monograph. Any draft training materials, including the monograph, will be submitted to the Departmental Federal Representative at least one month prior to any training or technical assistance session in which they are used.

(d) Final Training Materials/Monograph. These materials will be submitted to the Departmental Federal Representative no later than one month following use in a training/technical assistance session.

(e) Draft Final Report. A draft final report of no more than 100 pages that describes the project, explains the methodologies employed, and documents the accomplishments will be submitted to the Departmental Federal Representative no later than 30 days before the expiration date of the grant.

(f) Final Report. The final report shall be submitted to the Departmental Federal Representative no later than 90 days following expiration of the grant.

Signed at Washington, D.C., on April 4, 1989.

Roberts T. Jones,
Assistant Secretary of Labor.

Appendix A—Standard Forms 424 and 424A

Each applicant shall submit an Application for Federal Assistant, SF 424 and a Budget, SF 424A.

Appendix B—Standard Form 269, Financial Status Report

Appendix C—Standard Form 424B. Each applicant shall complete the Assurances—Non-Construction Programs form.

BILLING CODE 4510-30-M

Appendix A—Standard Forms 424 and 424A

OMB Approval No. 0348-0043

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code):	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): [] [] - [] [] [] [] [] [] [] []		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____		9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [] [] [] [] [] [] [] [] [] [] TITLE: _____		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):			
13. PROPOSED PROJECT: Start Date: _____ Ending Date: _____		14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$.00	a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____	
b. Applicant	\$.00	b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372	
c. State	\$.00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d. Local	\$.00		
e. Other	\$.00		
f. Program Income	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
g. TOTAL	\$.00	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed	

Previous Editions Not Usable

Standard Form 424 (REV. 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|--|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided.
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

SF 424 (REV. 4-88) Back

Standard Form 424A

Standard Form 424A may be obtained by contacting Gwendolyn Simms, Department of Labor, Employment and Training Administration, Office of Financial and Administrative Management (OFAM), Division of Acquisition and Assistance, Room C-

BILLING CODE 4510-30-C

4305, 200 Constitution Avenue NW., Washington, DC. 20210, telephone: (202) 535-8706.

Appendix B—Standard Form 269, Financial Status Report

Standard Form 269 may be obtained by contacting Gwendolyn Simms, Department of Labor, Employment and

Training Administration, Office of Financial and Administrative Management (OFAM), Division of Acquisition and Assistance, Room C-4305, 200 Constitution Avenue NW., Washington, DC. 20210, telephone: (202) 535-8706.

BILLING CODE 4510-30-M

APPENDIX "C"

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given of a public meeting and a closed executive session (pursuant to 5 U.S.C. APP. I, section 10(d)) of the National Commission for Employment Policy at the Annapolis Hilton Inn, Compromise at St. Mary's Streets, Annapolis, Maryland, 21401.

DATES:

Thursday, April 20, 1989

8:30 a.m. till 4:00 p.m.

Friday, April 21, 1989

8:30 a.m. till 12:00 p.m.

Status: This meeting is to be open to the public with the exception of the executive session.

Matters to be discussed: The purpose of this public meeting is to enable the Commission members to discuss and prepare comments on impending legislation proposing abolishment of the National Commission for Employment Policy. During the public meeting, the Commission members will discuss progress on the research agenda, budget and administrative matters. During the executive session, the Commission members will discuss matters solely related to the internal personnel rules and practices of the Commission. Such issues are considered routine administrative matters, of no significance to the public. In addition, the session is closed in order to protect information of a personnel nature, which if disclosed could constitute an unwarranted invasion of personal privacy.

FOR FURTHER INFORMATION CONTACT:

Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street NW., Suite 300, Washington, DC 20005.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to Title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the meeting, working

papers and other documents prepared for the meeting will be available for public inspection at the Commission's headquarters, 1522 K Street NW., Suite 300, Washington, DC 20005.

Signed at Washington, DC, this 7th day of April 1989.

Barbara C. McQuown,

Director, National Commission for
Employment Policy.

[FR Doc. 89-8791 Filed 4-12-89; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by May 15, 1989.

ADDRESSES: Send comments to Mr. Jim Houser, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

FOR FURTHER INFORMATION CONTACT:

Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests a review of a revision of a currently approved collection and a review of a new collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the

number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Arts in Education Application Guidelines FY 1990 (Special Projects).

Frequency of Collection: One-time.

Respondents: State or local governments; Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from non-profit organizations, state and local arts agencies, and regional organizations that apply for funding under the Special Projects category. This information is necessary for the accurate, fair, and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 200.

Average Burden Hours per Response: 16.

Total Estimated Burden: 3,200.

Title: Arts in Education Application Guidelines FY 1990 (State Arts in Education Grants (SAEG) and Arts in Schools Basic Education Grants (AISBEG)).

Frequency of Collection: One-Time.

Respondents: State or local governments

Use: Guideline instructions and applications elicit relevant information from state and local arts agencies that apply for funding under the SAEG and AISBEG categories. This information is necessary for the accurate, fair, and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 80.

Average Burden Hours per Response: 36.

Total Estimated Burden: 2,880.

Anne C. Doyle,

Administrative Services Division, National
Endowment for the Arts.

[FR Doc. 89-8738 Filed 4-12-89; 8:45 am]

BILLING CODE 7537-01-M

Meeting

Notice is hereby given that the National Endowment for the Arts will sponsor a meeting on May 5, 1989, at 1:00 p.m. at the downtown Denver Marriott, 1701 California (between 17th and 18th Streets), Denver, Colorado.

The topic of discussion will be the upcoming reauthorization of the National Foundation on the Arts and the Humanities Act (Pub. L. 99-194) as it relates to the National Endowment for

the Arts. This meeting will be open to the public on a space available basis.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Rose M. DiNapoli, Congressional Liaison Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5434.

March 7, 1989.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 89-8777 Filed 4-12-89; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Meeting of the Industrial Advisory Committee for Computer and Information Science and Engineering

The National Science Foundation Announces the following meeting:

Name: Industrial Advisory Committee for Computer and Information Science and Engineering.

Date and Time: April 21, 1989, 10:00 a.m.—2:30 p.m.

Place: National Science Foundation, 1800 G Street, NW., Room 536, Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Odessa Dyson, Office of the Assistant Director, Directorate for Computer and Information Science and Engineering, National Science Foundation, Washington, DC 20550, (202) 357-7936.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide a forum enabling the Assistant Director and other senior staff of the Directorate to obtain industry views pertaining to desirable research directions.

Agenda: 10:00 a.m.—12 noon—Review CISE Programs, 12:00—1:00 p.m.—Lunch, 1:00 p.m.—2:30 p.m.—CISE Long Range Plans.

M. Rebecca Winkler,

Committee Management Officer.

April 10, 1989.

Reason for Late Notice: The meeting notice was inadvertently misplaced.

[FR Doc. 89-8825 Filed 4-12-89; 8:45 am]

BILLING CODE 7555-01-M

Meeting of the Materials Research Advisory Committee

The National Science Foundation announces the following meeting:

Name: Materials Research Advisory Committee (MRAC).

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Date: Thursday, May 4, and Friday, May 5, 1989.

Time: 8:30 a.m.—5:00 p.m. (Thursday), 8:30 a.m.—3:00 p.m. (Friday).

Type of Meeting: Open.

Contact Person: Dr. A. I. Schindler, Division Director, Division of Materials Research, Room 408, National Science Foundation, Washington, DC 20550, Telephone: (202) 357-9794.

Summary Minutes: May be obtained from the Contact Person, Dr. A. I. Schindler, at the above stated address.

Purpose of Committee: To provide advice and recommendations concerning support of materials research.

Agenda:

Thursday Morning, May 4, 1989

8:30 a.m. Introductory Remarks and Adoption of Minutes

9:00 a.m. Division Status Reports and Budget Briefing

12:00 Noon Working Lunch

Thursday Afternoon, May 4, 1989

1:00 p.m. Discussion and approval of the oversight reports of the Solid State Physics, Solid State Chemistry, Low Temperature Physics, and Condensed Matter Theory Programs

3:00 p.m. Report on the balance of physics support

5:00 p.m. Adjourn

Friday, May 5, 1989

8:30 a.m. Organizational Matters

9:00 a.m. Discussion of Division Five-Year Plan

11:00 a.m. Discussion with Acting Assistant Director, MPS

12:00 Noon Working Lunch

1:00 p.m. Statements by Departing Committee Members

2:00 p.m. Briefing on Science and Technology Centers

2:30 p.m. Future MRAC Activities

3:00 p.m. Adjourn

M. Rebecca Winkler,

Committee Management Officer.

April 10, 1989.

[FR Doc. 89-8826 Filed 4-12-89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-206]

Southern California Edison Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No.

DPR-13 issued to Southern California Edison Company, *et al.*, (the licensee), for operation of San Onofre Nuclear Generating Station, Unit No. 1, located in San Diego County, California.

Environmental Assessment

Identification of Proposed Action

The proposed amendment is a request to revise the technical specifications associated with Fuel Cycle 10. As a result of plugging additional steam generator tubes, the licensee exceeded the 15 percent value established in its safety analysis which required that the safety analysis be completely reviewed again to account for additional steam generator tube plugging. The licensee has elected to conduct the safety analyses assuming that 20 percent of all tubes in all three steam generators are plugged. In addition, the licensee has reanalyzed the main steam line break accident with more conservative time delays and a lower concentration of boric acid in the injection line. Finally, the licensee has reanalyzed the reactor coolant pump locked rotor and shaft break accidents to provide for reactor trip settings appropriate for lowered reactor coolant temperature operation.

The Need for the Proposed Action

The proposed amendment is required to operate in Fuel Cycle 10 as described above.

Environmental Impacts of the Proposed Action

The reanalysis has provided assurance that all acceptance criteria for postulated accidents continue to be satisfied with some small adjustments in the technical specifications. Therefore, the proposed action would not involve a significant change in the probability or consequences of any accident previously evaluated, nor does it involve a new or different kind of accident. Consequently, any radiological releases resulting from an accident would not be significantly greater than previously determined. The proposed amendment does not otherwise affect routine radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed amendment. The Commission also concludes that the proposed action will not result in a significant increase in individual or cumulative occupational radiation exposure.

With regard to nonradiological impacts, the proposed amendment does not affect nonradiological plant effluents and has no other environmental impact.

Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on January 23, 1989 (54 FR 3169). No request for hearing or petition for leave to intervene was filed following this notice.

Alternatives to the Proposed Action

Because the Commission has concluded that there are no significant environmental impacts associated with the proposed action, there is no need to examine alternatives to the proposed action.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement related to operation of San Onofre Nuclear Generating Station, Unit No. 1, dated October 1973.

Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request that supports the proposed amendment. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated January 11, 1989, as supplemented January 27, March 4 and 11, 1989. These are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 6th day of April 1989.

For the Nuclear Regulatory Commission,
Harry Rood,

*Acting Director, Project Directorate V
Division of Reactor Projects—III, IV, V and
Special Projects Office of Nuclear Reactor
Regulation.*

[FR Doc. 89-8795 Filed 4-12-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and The Cleveland Electric Illuminating Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPP-3, issued to Toledo Edison Company and the Cleveland Electric Illuminating Company, (the Licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the provisions in the Technical Specifications (TS) relating to storage of new and spent fuel assemblies with an initial enrichment of Uranium-235 no greater than 3.80 wt. percent. The existing TS limit is 3.30 weight percent.

The proposed action is in accordance with the licensee's application for amendment dated April 11, 1988, as supplemented by letters dated December 16, 1988 and January 26, 1989.

The Need for the Proposed Action

The proposed change to the TS is required in order to provide the licensee with the capability to store fuel with a slightly higher initial enrichment of Uranium-235 for future use in the reactor and to store the spent fuel when it is discharged from the reactor. The use of this fuel in the reactor is not part of this proposed action.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to TS and concludes that there is no change to the operations or equipment associated with the handling of new or spent fuel; there is no change to the size, shape, or weight of new or spent fuel assemblies; there is no associated change in fission product inventory in spent fuel assemblies; and there is no change in plant effluents associated with this action. Therefore, the proposed changes do not increase the probability of consequences of any accident or malfunction of equipment important to safety, no changes are being made in the types of any effluents that may be released offsite, and there is no increase in the allowable individual or cumulative occupational exposure. Accordingly, the Commission concludes that this proposed action would result in

no significant radiological environmental impact.

The Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the *Federal Register* on May 26, 1988 (53 FR 19071). No request for hearing or petition for leave to intervene was filed following this notice.

With regard to potential nonradiological impacts, the proposed change to the TS involves no change to the existing operations or needed resources. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Davis-Besse Nuclear Power Station, Unit 1, dated March 1973 and its supplement dated October 1975.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated April 11, 1988 as supplemented December 16, 1988 and January 26, 1989, which are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the University of Toledo Library.

Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 5th day of April 1989.

For the Nuclear Regulatory Commission.
Thomas V. Wambach,

Acting Director, Project Directorate III-3, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-8796 Filed 4-12-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 72-3 (50-261)]

Carolina Power & Light Co.; Issuance of Amendment to Materials License SNM-2502

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Materials License No. SNM-2502 held by the Carolina Power and Light Company for the receipt and storage of spent fuel at the H.B. Robinson Independent Spent Fuel Storage Installation, located on the H.B. Robinson Steam Electric Plant Unit No. 2 site, Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in Appendices A and C. Changes were made to Table 2-1, Specification 4.6.1, 4.6.2, and 6.1.1.b of Appendix A to increase the acceptable helium leak rate from 10^{-6} atmospheres-cubic centimeter per second (atm-cc/s) to 10^{-5} atm-cc/s. The helium leak rate test applies to the dry shielded canister (DSC) primary end plug closure weld, the prefabricated plug weld, and the thermocouple penetration plug assembly. Changes made to Appendix C correct typographical errors and revise the name of the annual report required in Specification 1.4.1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that, pursuant to 10 CFR 51.22(c)(11), an environmental assessment need not be prepared in connection with issuance of the amendment.

For further details with respect to this act, see (1) the application for amendment dated December 16, 1988, and (2) Amendment No. 6 to Materials License No. SNM-2502, and (3) the Commission's letter to the licensee dated April 7, 1989. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Local Public Document Room at the Hartsville Memorial Library, 220 N. Fifth Street, Hartsville, South Carolina 29550.

Dated at Rockville, Maryland this 7th day of April 1989.

For the U.S. Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Fuel Cycle Safety Branch Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 89-8797 Filed 4-12-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of the Power Authority of the State of New York (the licensee) to withdraw its June 3, 1983 amendment application for the Indian Point Nuclear Generating Unit No. 3 (IP-3), located in Westchester County, New York. The proposed amendment would have revised the Technical Specifications to include provisions for alternate shutdown equipment. The basis for the licensee's request for withdrawal is that a reevaluation being performed of the alternate shutdown Technical Specifications and a revised submittal will be provided.

The Commission issued a Notice of Consideration of Issuance of the Amendments in the *Federal Register* on August 23, 1983 (48 FR 38420). By letter dated March 24, 1989, the licensee requested, pursuant to 10 CFR 2.107, permission to withdraw its application for the proposed amendment. The Commission has considered the licensee's March 24, 1989 request and determined that permission to withdraw the application for amendment should be granted.

For further details with respect to this action, see (1) the application for amendment dated June 3, 1983; (2) the licensee's letter dated March 24, 1989, requesting withdrawal of the application

for license amendment; and (3) our letter dated April 6, 1989. All of the above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 6th day of April 1989.

Joseph D. Neighbors,

Senior Project Manager, Project Directorate I-1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-8794 Filed 4-12-89; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

AGENCY: Office of Management and Budget.

ACTION: Publication of schedules for OMB Circular No. A-76 cost comparison studies.

SUMMARY: This Notice contains the schedules of cost comparisons for FY 1989 for the Department of Health and Human Services, Department of Interior, Department of Labor, and Department of State. Executive Order 12615, "Performance of Commercial Activities," dated November 19, 1987, requires OMB to publish the schedules as they become available. This is the initial submission for these agencies; additions to these schedules, where the goals required by the Executive Order have not been met, and schedules from other agencies will be forthcoming.

The department goal and number of positions scheduled for study completion are listed below:

Agency	Goal	Scheduled
HHS.....	3,451	2,089
Interior.....	2,055	1,678
Labor.....	559	90
State.....	388	77

The number of positions scheduled for study completion include those positions undergoing full cost comparison studies and those undergoing direct conversion studies. General questions relating to the cost comparisons should be referred to the following individuals:

Health and Human Services, Michael Colvin, (202) 245-8887
Interior, Jerry Watkins, (202) 343-5336
Labor, Jim Booth, (202) 523-6318

State, Karen King, (202) 647-2235
Office of Federal Procurement Policy,
Linda Mesaros, (202) 395-3300.

Frank Hodson,

Executive Associate Director.

Dated: April 5, 1989.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[List of cost comparisons that will be completed in 1989]

Units	Commercial activity	Location	FTE
PHS/CDC	Warehousing	Atlanta	09
PHS/CDC	Facilities maintenance.	do	45
PHS/CDC	Facilities maintenance.	do	43
PHS/CDC	Glassware cleaning.	do	32
PHS/CDC	Animal care	do	44
PHS/NIH	Audiovisual	Bethesda	11
PHS/NIH	Facilities maintenance.	do	86
PHS/NIH	Laundry and dry cleaning.	do	30
PHS/NIH	Warehousing and stock handling.	do	55
PHS/NIH	Motor pool/ Vehicle maintenance.	do	41
PHS/NIH	Animal care	do	39
PHS/NIH	Library shelvers	do	05
PHS/NIH	Housekeeping	do	06

Affected units:
PHS—Public Health Service,
CDC—Center for Disease Control.
NIH—National Institute of Health.

DEPARTMENT OF THE INTERIOR

[List of cost comparisons that will be completed in 1989]

Units	Commercial activity	Location	FTE
BIA	ADP operations	Washington, DC.	64
BIA	Real estate appraisals.	do	67
BIA	Soil/Micro/Engineer.	Gallup	17
BIA	Food/Security/Custod.	Lawrence	33
OS	Library services	Washington, DC.	28

Affected Units:
BIA—Bureau of Indian Affairs.
OS—Office of the Secretary.

DEPARTMENT OF THE INTERIOR

[List of cost comparisons that will be started in 1989]

Units	Commercial activity	Location	FTE
NPS	Maintenance	Badlands National Park, SD.	13

DEPARTMENT OF THE INTERIOR—Continued

[List of cost comparisons that will be started in 1989]

Units	Commercial activity	Location	FTE
NPS	do	Carlsbad Caverns National Park, NM.	18
NPS	do	Colonial National Historic Park, VA.	59
NPS	do	Fort Sumter National Monument, SC.	11
NPS	do	Gettysburg National Military Park, PA.	38
NPS	do	Indiana Dunes National Landmark, IN.	29
NPS	do	Jefferson Memorial National Historic Site, MO.	39
NPS	do	Lassen Volcanic National Park, CA.	27
NPS	do	Petrified Forest National Park, AZ.	18
NPS	do	Redwood National Park, CA.	30
NPS	do	Valley Forge National Historic Park, PA.	40
NPS	do	Guadalupe Mountains National Park, TX.	13
MMS	Royalty Management.		657
OSM	Abandoned mine lands fee billing and collect.		09
DW	Fleet management.		20

Affected Units:
NPS—National Park Service.
MMS—Minerals Management Service.
OSM—Office of Surface Mining, Reclamation & Enforcement.
DW—Department-Wide.

DEPARTMENT OF LABOR

[List of cost comparisons that will be completed in 1989]

Units	Commercial activity	Location	FTE
OLMS	Disclosure and file.	Washington, DC.	26

Affected Unit:
OLMS—Office of Labor Management Standards.

DEPARTMENT OF STATE

[List of cost comparisons that will be completed in 1989]

Commercial activity	Location	FTE
Filing, microfilming	Washington, DC.	50
Vehicle operations	do	17
Automated printing	do	10

[FR Doc. 89-8878 Filed 4-12-89; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Extended Use of OPM Form 192 Submitted to OMB for Clearance

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. Chapter 35), this notice announces the extended use of OPM Form 192, "Personal Reference Inquiry for Administrative Law Judge Positions," which has been submitted to the Office of Management and Budget (OMB) for clearance. OPM Form 192 is completed by reference-givers for applicants for Federal Administrative Law Judge positions. Approximately 3,000 of the forms are completed each year, and it takes a reference giver approximately ten minutes to complete the form, for a total of 500 hours. For copies of this proposal, call Lawrence Dambrose (632-0199) or Grace Butler (632-0259).

DATE: Comments on this notice should be received on or before April 27, 1989.

ADDRESSES: Send or deliver comments to—

C. Ronald Trueworthy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415.

Joseph Lackey, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3002, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Craig B. Pettibone, (202) 632-5677, Assistant Director for ALJs, OPM.

U.S. Office of Personnel Management

Constance Horner,

Director.

[FR Doc. 89-8650 Filed 4-12-89; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-26698; File No. SR-BSE-89-11]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc., Relating to Rule for Linkage Between Boston Stock Exchange and a Foreign Securities Exchange

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 6, 1989, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule as described in items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

The BSE has submitted a proposed "Linkage Rule" that would enable the BSE to link with a foreign securities exchange pursuant to a "Linkage Plan". The Exchange has stated that this is a generic rule that would be applicable to any linkage agreement the BSE may ultimately enter into with a foreign securities exchange.¹ The BSE is currently linked with the Montreal Stock Exchange ("ME") and the proposed rule would provide the framework within which the link could be enhanced.

Under the proposed rule a separate Linkage Plan would provide the specific details of the terms and conditions for the operation of a proposed linkage between the BSE and a foreign securities exchange. The Linkage Plan would set forth criteria relative to, among other things, trading, comparison and settlement, and compliance. Such a Linkage Plan would have to be submitted to the Commission as a separate proposed rule change.²

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and

basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the place specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) The purpose of the proposed Linkage Rule is to enable the BSE to link with a foreign securities exchange pursuant to a Linkage Plan. This is a generic rule that would be applicable to any linkage agreement the BSE may ultimately enter into with a foreign securities exchange.³ The proposed Linkage Rule would be used as the basis for drafting a Linkage Plan for enhancing the existing link between the BSE and ME. The Exchange anticipates that a proposed Linkage Plan for enhancing the BSE-ME link would be submitted for Commission approval to permit the northbound routing of orders from the BSE to the ME over BEACON, the BSE's automated order routing and execution system. The current BSE-ME link permits market and marketable limit orders to be routed southbound from the ME to the BSE.

As noted above, under the proposed generic Linkage Rule, a separate Linkage Plan would be required to provide the specific details of the terms and conditions for the operation of a proposed link between the BSE and a foreign securities exchange including such matters as trading, comparison and settlement, and compliance. Such a Linkage Plan would need to be submitted to the Commission as a separate proposed rule change.

The basis for the proposed rule are Sections 6(b)(5) and 11(A) of the Securities Exchange Act of 1934, as amended. The rule will enhance the national market system by increasing the ability of Boston specialists to attract order flow and thereby make more competitive and more liquid markets in securities in which they are registered.

(B) The BSE perceives no burden on competition by the adoption of the proposed rule. The BSE believes the proposed rule will benefit investors and the public by enhancing the depth and liquidity of the markets maintained by BSE specialists.

(C) Comments on the specific rule have neither been solicited nor received.

³ BSE has characterized the proposed rule as an "enabling rule."

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submission should refer to File No. SR-BSE-89-1 and should be submitted by May 4, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 5, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-8521 Filed 4-12-89; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-9536]

Issuer Delisting; Notice of Application To Withdraw From Listing International Telecharge, Inc., Common Stock, \$.01 Par Value (File No. 1-9536)

April 7, 1989.

International Telecharge, Inc. ("Company"), has filed an application

¹ Telephone conversation between Howard Kramer, Assistant Director, Division of Market Regulation, and Joseph Carmichael, Vice President, BSE, on March 16, 1989.

² See letter from Howard Kramer, Assistant Director, Division of Market Regulation, to Joseph Carmichael, Vice President, BSE, dated March 27, 1989.

with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Boston Stock Exchange ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Common Stock of the Company was approved for listing and commenced trading, as of March 4, 1988, on the American Stock Exchange ("AMEX"). The Company wishes to have its Common Stock traded only on the AMEX. In connection with this, the Company has also delisted its Common Stock from the NASDAQ National Market System (Thursday, March 3, 1988, was the last day that the Company's Common Stock was traded on the NASDAQ National Market System).

Any interested person may, on or before April 28, 1989, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-8798 Filed 4-12-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[CM/8-1278]

Secretary of State's Advisory Committee on Private International Law; Meeting

The 42nd meeting of the Secretary of State's Advisory Committee on Private International Law will be held on Friday, April 28, 1989 at the Department of State in Washington, DC, Room 1331. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chair.

The agenda of the Study Group will include the following issues: Review of

developments in 1988 in the field of private international law; status of Conventions awaiting Senate advice and consent or Congressional action on implementing legislation, including the Inter-American Convention on International Commercial Arbitration, the Hague Convention on Trusts and the Convention on International Wills; discussion of Conventions considered for U.S. signature and transmission to the Senate for advice and consent to U.S. ratification, including the 1988 UNIDROIT-prepared Ottawa Conventions on International Financial Leasing and International Factoring, the 1988 Hague Convention on Law Applicable to Succession, and the 1974 UNCITRAL-prepared U.N. Convention on the Limitation Period for the International Sale of Goods and its 1980 Protocol; discussion of collection and international dissemination of decisions on the 1980 U.N. Convention on Contracts for the International Sale of Goods; review of projects and the work program of the United Nations Commission on International Trade Law (UNCITRAL), the Hague Conference on Private International Law, and the International Institute for the Unification of Private Law (UNIDROIT); and review of items on the agenda for the July 1989 Fourth Inter-American Specialized Conference on Private International Law (CIDIP-IV), sponsored by the Organization of American States, including international child abduction, child support, and overland transportation of goods.

The meeting will be held in the conference room in Room 1331 at the main State Department Building. Entry to the building should be via the Diplomatic Entrance at 22nd and C Streets, NW. As access to the Department is controlled, members of the general public planning to attend should notify Ms. Rosalia Conzaes at the office indicated below not later than April 25th of their name, affiliation, address and telephone number. Persons interested but unable to attend the meeting may submit comments or proposals by phoning (202) 653-9852, Telefax at (202) 632-5382, or by writing to the Office of the Assistant Legal Adviser for Private International Law, 2100 K Street NW., Suite 402, Washington, DC 20037-7180.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice-Chairman, Secretary of State's Advisory Committee on Private International Law.

[FR Doc. 89-8790 Filed 4-12-89; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB on April 7, 1989

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on April 7, 1989, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT:

John Chandler, Annette Wilson, or Cordelia Shepherd, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone, (202) 366-3735, or Gary Waxman or Edward Clarke, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the *Federal Register*, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive

comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on April 7, 1989.

DOT No.: 3176

OMB No.: 2127-0047

Administration: National Highway

Traffic Safety Administration

Title: 49 CFR Part 580, Odometer

Disclosure Statement

Need for Information: To deter odometer roll backs and to accomplish successful litigation.

Proposed Use of Information: The Odometer Disclosure Statement which is required by 15 USC 1988 is used by motor vehicle transferrers and lessors to determine the mileage and value of the vehicles. The disclosure is made on the title and in certain instances on a secure power of attorney form.

Frequency: On occasion

Burden Estimate: 326,127

Respondents: 42,920,000

Form(s): None

Average Burden Hours Per Respondent: .004 hours

DOT No.: 3187

OMB No.: New

Administration: Federal Highway Administration

Title: Motor Carrier Identification Report, Form MCS-150

Need for Information: To meet FHWA's requirements for unrated motor carriers conducting operations in interstate or foreign commerce and for motor carriers to file a one-time Motor Carrier Identification Report, Form MCS-150.

Proposed Use of Information: To identify motor carriers operating in interstate or foreign commerce, to update the motor carrier census and to require the motor carriers to certify they meet the Safety Fitness Standard.

Frequency: One-time filing

Burden Estimate: 20,812

Respondents: Motor Carriers

Form(s): MCS-150.

Average Burden Hours Per Respondent: 20 minutes.

DOT No.: 3188.

OMB No.: New.

Administration: National Highway Traffic Safety Administration.

Title: State and Local Survey on Auto Theft Arrests and Outcomes on Theft Reporting/Recovery Procedures.

Need for Information: To meet the legal obligations under the Motor Vehicle Theft Law Enforcement Act of 1984 on auto theft.

Proposed Use of Information: The Motor Vehicle Theft Law Enforcement Act of 1984 contains a provision that NHTSA review the effectiveness of the law after five years and report its findings to Congress. To obtain the specific data required for this evaluation, NHTSA must survey state and local law enforcement, judicial, and licensing agencies.

Frequency: On occasion.

Total Estimated Burden: 93 hours.

Respondents: 93.

Form(s): None.

Average Burden Hours Per Respondent: 1 hour.

DOT No.: 3189.

OMB No.: 2127-0040.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR Part 551.45, Designation of Agent.

Need for Information: To determine agents representing foreign manufacturers who import vehicles into the United States.

Proposed Use of Information: The agent is used to advise manufacturers of safety related defects where laws vary from country to country. In turn the manufacturer can notify purchases and correct the defect.

Frequency: On occasion.

Total Estimated Burden: 13 hours.

Respondents: 25.

Form(s): None.

Average Burden Hours Per Respondent: 18 minutes.

DOT No.: 3190.

OMB No.: 2125-0515.

Administration: Federal Highway Administration.

Title: Eligibility Statement for Utility Adjustments.

Need for Information: For a State or local highway agency to furnish FHWA a statement establishing its authority to pay for utility adjustments on Federal-aid projects.

Proposed Use of Information: For FHWA to determine whether the State's statutes establish the legal authority or obligation to pay for utility adjustments on Federal-aid projects.

Frequency: On occasion.

Total Estimated Burden: 180 hours.

Respondents: State highway agencies.

Form(s): None.

Average Burden Hours Per Respondent: 36 hours.

DOT No.: 3191.

OMB No.: New.

Administration: Federal Aviation Administration

Title: Pilot Views of Montgomery County Automated FSS Services.

Need for Information: The data is needed to ascertain pilots' perceptions

of the quality, cost effectiveness, utilization, and knowledge of the types of services offered by the Montgomery County Automated Flight Service Station, and to a lesser extent, by other automated flight service stations.

Proposed Use of Information: The information gained from the survey will be used to achieve the following objectives:

a. Determine whether user needs are being met.

b. Increase the level of awareness of available services.

c. Establish a method of identifying system weaknesses.

d. Obtain an evaluation of services which will contribute to making decisions regarding future system improvement.

Frequency: One time survey.

Total Estimated Burden: 576 hours.

Respondents: Pilots.

Form(s): Survey form and answer sheet.

Average Burden Hours Per Respondent: 15 minutes per response.

DOT No.: 3192.

OMB No.: 2137-0014.

Administration: Research and Special Programs Administration.

Title: Cargo Tank Specification Requirements.

Need for Information: The Department uses the requirements to verify the forth in the regulations are met and that these containers are safe for continued use in hazardous materials services.

Proposed Use of Information:

Verification that the construction, integrity, maintenance, repair, requalification, and operation of all DOT specification cargo tanks will decrease both the probability and actual number of hazardous materials released due to accident or tank failure.

Frequency: On occasion.

Burden Estimate: 291,347.15 hours.

Respondents: Shippers, carriers, owners, manufacturers, inspectors, repair and maintenance persons of cargo tanks.

Form(s): None.

Average Burden Hours Per Respondent: One.

DOT No.: 3193.

OMB No.: 2138-0014.

Administration: Research and Special Programs Administration.

Title: Accessibility and Transmittal of Service Segment Data.

Need for Information: Traffic and capacity data, and data base for international negotiations.

Proposed Use of Information: To determine traffic flows, adequacy of

service, need for new international gateways.
Frequency: Monthly.
Burden Estimate: 22,800 hours.
Respondents: Large certificated route air carriers of the U.S.
Form(s): None
Average Burden Hours Per Respondent: 50 hours
DOT No.: 3194
OMB No.: 2115-0504
Administration: U.S. Coast Guard
Title: Tank Vessel Examination Letter, Certificate of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records and Shipping Papers.
Need for Information: This information collection requirement is needed to enable the Coast Guard to fulfill its responsibilities of ensuring maritime safety.
Proposed Use of Information: Coast Guard uses this information as a means to indicate compliance with safety standards and regulations.
Frequency: On occasion
Burden Estimate: 22202 hours
Respondents: Some owners/operators of large merchant vessels and all foreign flag tankers calling at U.S. ports.
Form(s): CG-840S-1 and CG-840S-2
Average Burden Hours Per Respondent: 10 minutes
DOT No.: 3195
OMB No.: 2133-0503
Administration: Maritime Administration
Title: Inventory of American Intermodal Equipment
Need for Information: To plan the most efficient use of the Nation's Intermodal equipment.
Proposed Use of Information: To expedite logistical support for military operations in National emergencies.
Frequency: Annually
Burden Estimate: 57 hours
Respondents: U.S. Steamship and Intermodal equipment leasing companies.
Form(s): N/A
Average Burden Hours Per Respondent: 3 hours
DOT No.: 3196
OMB No.: 2133-0007
Administration: Maritime Administration
Title: Maintenance and Repair Cumulative Summary (Form MA-140)
Need for Information: To document repair and maintenance expenditures both foreign and domestic on vessels approved for operation under Operating-Differential Subsidy Agreements.
Proposed Use of Information: To verify that only eligible expenses at correct rates have been submitted for reimbursement under Operating-Differential Subsidy Agreements.

Frequency: At termination and Quarterly
Burden Estimate: 4,200 hours
Respondents: Ship-owners, ship-operators
Form(s): MA-140
Average Burden Hours Per Respondent: 12 hours
DOT No.: 3197
OMB No.: 2105-0522
Administration: Office of the Secretary
Title: Drug Testing Custody and Control Form
Need for Information: To provide information needed to establish and maintain a chain of custody.
Proposed Use of Information: Control form for chain of custody, with affidavit and other pertinent information.
Frequency: Once per collection
Burden Estimate: 5000 hours
Respondents: Individuals undergoing testing, collectors, lab staff and Medical Review Officer.
Form(s): To be numbered when approved
Average Burden Hours Per Respondent: 5 minutes
DOT No.: 3198
OMB No.: 2133-0514
Administration: Maritime Administration
Title: Determination of Fair and Reasonable Rates for the Carriage of Bulk Preference Cargoes (46 CFR Parts 382)
Need for Information: To document certain costs to be used in calculating Fair and Reasonable Guideline Rates for Preference Cargoes.
Proposed Use of Information: To calculate Fair and Reasonable Rates for Bulk Preference Cargoes.
Frequency: Annually
Burden Estimate: 320 hours
Respondents: Ship-owners, ship-operators
Form(s): N/A
Average Burden Hours Per Respondent: 16 hours
DOT No.: 3199
OMB No.: 2133-0011
Administration: Maritime Administration
Title: War Risk Insurance-Applications and Related Information
Need for Information: To record requests for War Risk Insurance.
Proposed Use of Information: To determine applicant eligibility for War Risk Insurance.
Frequency: On occasion
Burden Estimate: 930 hours
Respondents: Ship-owners, ship-operators, insurance agents
Form(s): MA-355, MA-528, MA-828, MA-942
Average Burden Hours Per Respondent: 30 minutes

DOT No.: 3200
OMB No.: 2120-0524
Administration: Federal Aviation Administration
Title: High Density Traffic Airports Slot Allocation and Transfer Methods
Need for Information: The FAA needs this information to make slot allocations and maintain accurate records on slot transfers at the High Density Traffic Airports.
Proposed Use of Information: In this case, the need for and use of the information is the same.
Frequency: On occasion, semiannually, and every other month
Burden Estimate: 1724
Respondents: Large aircraft that operate in and out of high density traffic airports.
Forms: None
Average Burden Hours Per Respondent: 2.762 hours
DOT No.: 3201
OMB No.: 2120-0057
Administration: Federal Aviation Administration
Title: Safety Improvement Report/Counselor Activity Report
Need for Information: The information on FAA Form 8740-5 is needed by the FAA to determine hazardous conditions for which corrective action can be sought. Examples of hazardous conditions are deterioration of runways and taxiways on airports, unmarked tall structures, trees, and power transmission lines.
Proposed Use of Information: The information on FAA Form 8740-5 is used by the FAA, local airport authorities, property owners, utility companies, and other organizations to identify hazardous conditions and initiate corrective action. The information on FAA Form 8740-6 is used by the FAA to strengthen the effectiveness of the Accident Prevention Program.
Frequency: FAA Form 8740-5 is as required, FAA Form 8740-6 is quarterly
Burden Estimate: 3690 hours annually
Respondents: FAA Form 8740-5 is completed by anyone noticing a hazardous condition. FAA Form 8740-6 is completed by the Accident Prevention Counselors.
Form(s): FAA Form 8740-5 and 8740-6
Average Burden Hours Per Respondent: 9 minutes
DOT No.: 3202
OMB No.: New
Administration: Federal Highway Administration
Title: 1990 Nationwide Personal Transportation Study (NPTS)

Need for Information: For DOT/FHWA to have more current data in order to determine the nature and extent of present travel needs, and to plan for meeting the Nation's travel needs of the future.

Proposed Use of Information: The NPTS is used to obtain data needed for policy analysis, program planning and program management for sponsoring agencies within DOT.

Frequency: Currently every 6-7 years

Burden Estimate: 17,040 hours

Respondents: Individuals or households

Form(s): Telephone Survey

Issued in Washington, DC, on April 7, 1989.

Robert J. Woods,

Director of Information, Resource Management.

[FR Doc. 89-8715 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-62-M

Office of Hearings

[Docket 45959]

United States-Mexico All-Cargo Service Proceeding; Revised Notice of Hearing

Served April 6, 1989.

Notice is given that the hearing in this proceeding will commence on April 24, 1989 at 10:00 a.m. and will run for the necessary consecutive weekdays. Starting time each day will be at 10:00 a.m. unless changed at the hearing. The site for the entire hearing will be in Room 5332 at the U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

Dated at Washington, DC, April 6, 1989.

Burton S. Kolko,

Administrative Law Judge.

[FR Doc. 89-8655 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-62-M

Order Adjusting International Cargo Rate Flexibility Level

Policy statement PS-109, implemented by Regulation ER-1322 of the Civil Aeronautics Board and adopted by the Department, established geographic zones of cargo pricing flexibility within which cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances.

The SFRL for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the relevant ratemaking entity. The first adjustment was effective April 1, 1983. By Order 88-10-15, the Department established the currently effective SFRL adjustments.

In establishing the SFRL for the six-month period starting April 1, 1989, we have projected nonfuel costs based on the year ended December 31, 1988, data and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department by the carriers.

By Order 89-4-10 cargo rates may be adjusted by the following adjustment factors over the April 1, 1982, level:

Atlantic.....	1.0715
Western Hemisphere.....	1.0534
Pacific.....	1.3335

For further information contact: Keith A. Shangraw, (202) 366-2439.

By the Department of Transportation:

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

Dated: April 6, 1989.

[FR Doc. 89-8656 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-62-M

[Docket 37554]

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), PL. 96-192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile Order 80-2-69 established the first interim SFFL and Order 89-1-28 set the currently effective two-month SFFL applicable through March 31, 1989.

In establishing the SFFL for the two-month period beginning April 1, 1989, we have projected nonfuel costs based on the year ended December 31, 1988 data, and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department.

By Order 89-4-11 fares may be increased by the following factors over the October 1, 1979, level:

Atlantic.....	1.2182
Latin American.....	1.2680
Pacific.....	1.6736
Canada.....	1.2910

For further information contact: Keith A. Shangraw (202) 366-2439.

By the Department of Transportation:

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

Dated: April 6, 1989.

[FR Doc. 89-8657 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration (FHWA)

Environmental Impact Statement for Proposed Highway Project; Georgia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project consisting of two highway connectors, one in Bartow, Cherokee, and Forsyth Counties and the other in Newton, Rockdale, Walton, and Gwinnett Counties, Georgia. These connectors would link with projects covered under previous environmental documentation to form a circumferential route which would interact nine major federal primary and interstate radial routes which extend north, northeast and east of the Atlanta Metropolitan area.

FOR FURTHER INFORMATION CONTACT:

Charles J. Nemmers, Division Administrator, Federal Highway Administration, Suite 300, 1720 Peachtree Road NW., Atlanta, Georgia 30367, telephone (404) 347-4751, or Frank L. Danchetz, State Environmental/Location Engineer, Georgia Department of Transportation, Office of Environment/Location, 3993 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 699-4401.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (GDOT) will prepare an Environmental Impact Statement (EIS) on a proposal to construct two connectors on new location. One consists of a new location, four-lane divided highway from Interstate 75 in Bartow County to State Route 371 in Forsyth County. The length of this connector is approximately 21 miles. The other connector consists of a new location, four-lane divided highway from Interstate 20 in Newton County to State Route 316 in Gwinnett County. The length of this second connector is approximately 24 miles. The proposed work is necessary to accommodate existing and future traffic demands resulting from continued growth in the Atlanta Metropolitan area.

The connectors would link with previously adopted projects to achieve a continuous highway which would connect U.S. 411/U.S. 41, I-75, I-575, GA 400, I-985, I-85, S.R. 316, U.S. 78, and I-20 from Cartersville to Conyers, Georgia without the need to travel through Atlanta's congested highways.

Alternatives under consideration for the two connectors include: (1) the new location connectors as described herein and (2) the no-build alternative.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and the U.S. Army Corps of Engineers has been requested to be a cooperating agency. Information meetings have been held for input on the local level. In addition, public hearings, one each for the two sections, will be held. Public notice will be given of the time and place of the hearings. A draft EIS will be made available for public and agency review and comments.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action on the EIS should be directed to the FHWA at the address provided above. The Catalog of Federal Domestic Assistance Program Number is 20.250, *Highway Research, Planning and Construction*. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Charles J. Nemmers,

Division Administrator, Federal Highway Administration, Atlanta, Georgia.

[FR Doc. 89-8735 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Clermont County, Ohio

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Clermont County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Fred J. Hempel, Division Administrator, or Mr. Robert W. Boyd, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215. Telephone (614) 469-6896.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Ohio Department of Transportation, will prepare an environmental impact statement on proposed improvements at the Interstate Route 275—United States Route 50 interchange, located at the easterly edge of the Cincinnati metropolitan area and

at the southeasterly limits of the City of Milford.

The proposed project involves the improvement of the Interstate Route 275—U.S. Route 50 interchange to allow all vehicle movements to and from the west. Provisions for all movements to and from the east presently exist. The western leg of the interchange, designed to be compatible with the future relocation of U.S. Route 50, will be extended for a distance of approximately 0.33 miles and a new road will be constructed going northeasterly between this point and a point on existing U.S. Route 50 east of the center of Milford, a distance of approximately 1.50 miles.

Because the project is the completion of an existing interchange and because prior planning has excluded alternatives giving other access to the local road system, only two alternatives are being considered: the build and the no-build.

The proposed project would complete a full interchange at a major highway connecting with the Interstate system in the Cincinnati metropolitan area, serve proposed and anticipated development, aid the enhancement of the economic base of the community of Milford, implement current planning, relieve traffic congestion, and allow more efficient vehicle travel.

A program of public involvement and coordination with Federal, State, and local agencies has been conducted. It is envisioned that involvement with the public and other agencies will continue throughout the development of the project and, therefore, it is not anticipated that a formal scoping meeting will be held.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, *Highway Planning and Construction*. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Fred J. Hempel,

Division Administrator, Columbus, Ohio.

[FR Doc. 89-8736 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Ventura County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway widening project in Ventura County, California.

FOR FURTHER INFORMATION CONTACT: C. Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809. Telephone: Comm. (916) 551-1310; FTS 460-1310. Frank Bergen, Senior Environmental Planner, Environmental Planning Branch, CALTRANS, 120 So. Spring Street, Los Angeles, California 90012. Telephone: (213) 620-4978.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) and the cities of Oxnard and San Buenaventura, will prepare an Environmental Impact Statement (EIS) on a proposal to improve Route 101 in the County of Ventura. The Route 101 proposed improvements will extend from State Route 232 (Vineyard Avenue) in Oxnard north to Johnson Drive in the City of San Buenaventura. The proposed action is needed to remove an existing bottleneck on Route 101 and provide greater access to developing areas in the cities of Oxnard and San Buenaventura.

Alternatives under consideration include Route 101 interchange improvement alternatives at State Route 1 and Johnson Drive, and a no-project alternative.

Consultation by local jurisdictions with various regional, State and Federal agencies began in 1984 for the reconstruction of the Route 101/State Route 1 interchange. Preliminary studies indicated that this interchange improvement should be included in a broader "corridor" project stretching from State Route 232 to Johnson Drive. In February, 1987, Caltrans approved a Project Study Report (amended in January, 1989) which outlined the improvements which are to be the subject of the EIS. A scoping meeting with affected agencies was held in November, 1988, following the distribution of a Notice of Preparation pursuant to the California Environmental Quality Act. An additional scoping meeting, open to the public, will be held at a later date. Public notice will be given of the time and place of the upcoming meeting.

To ensure that the full range of issues related to this proposed project area addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning

this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document within 30 days of the issuance of this notice.

A public hearing will be held later as part of the project review process. The draft EIS will be available for public and agency review and comment prior to the public hearing.

(Catalog of Federal Domestic Assistant Program Number 20.205, Highway Research, Planning and Construction. The Regulations implementing Executive Order 12371 regarding intergovernmental consultation on Federal Programs and activities apply to this program.)

Issued on April 4, 1989.

C. Glenn Clinton,

District Engineer, Sacramento, California.

[FR Doc. 89-8737 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Discretionary Cooperative Agreement To Support Research in the Development of Estimates of Functional Impairment Resulting From Injuries Sustained in Motor Vehicle Crashes

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Announcement of Discretionary Cooperative Agreement To Support Research in the Development of Estimates of Functional Impairment Resulting From Injuries Sustained in Motor Vehicle Crashes.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) announces a discretionary cooperative agreement program to support research in the development of estimates of functional impairment, and solicits applications for projects under this program.

DATE: Applications must be received on or before June 5, 1989.

ADDRESS: Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD-30), 400 7th Street SW., Room 5301, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Questions relating to this cooperative agreement program should be directed to Stephen Luchter, Chief, Planning and Policy Development Division, (NPP-32), National Highway Traffic Safety Administration, 400 7th Street SW., Room 5208, Washington, DC 20590; (202) 366-2576.

SUPPLEMENTARY INFORMATION:

Background

Implementation of the passive restraint requirements of FMVSS 208, the possible future upgrading of side protection requirements in FMVSS 214, recent advances in trauma medicine, the widespread availability of professional emergency medical services, and other improvements in the highway safety environment presage a change in the number of fatalities resulting from motor vehicle crashes. As a result, although NHTSA's attention to countermeasures to reduce fatalities continues undiminished, it is being supplemented by attention to countermeasures that reduce the long term societal impacts of serious injuries. In order to estimate these long term societal impacts, new analytical tools are being developed. One such tool, called "impairment", measures the time an injured person will not be able to function physically or mentally as he/she did before the injury.

Evolution of the Impairment Concept

Although "Harm" is not related to impairment, it is of historical interest as it was the first analytical tool developed to determine relative societal impact of particular injuries. In this concept, the normalized societal costs directly related to injury were determined for each injury severity level [1]. The main shortcoming of harm was found to be that by considering only the injury severity level, important relative effects were neglected. Injuries at the same severity level to different body regions have been shown to have different relative frequency of fatality, and different long term effects [2].

An early effort in the impairment concept developed a six category impairment rating for each injury: mobility, cognitive, sensory, pain, cosmetic, and daily living [3]. A physician's panel, (neurology, orthopedics, plastic surgery, general surgery), judged which of four levels of impairment (minor through maximum) would result from each injury, and the duration of that impairment. Three time frames were considered, less than a year, a year to five years, and five years and beyond. In addition, differences in impairment for four age categories were considered, as was any reduction in life span as a result of the particular injury. The result of this effort was a listing of the impairment estimates, disaggregated by all of the categories noted above. Although a monumental undertaking, the results were difficult to use due to their complexity, and thus were not widely applied.

A further step in the development of impairment was the Injury Priority Rating, (IPR) [4]. Like harm, the IPR

represented the normalized cost of an injury, but used costs appropriate for each injury. Most important to the development of the impairment concept was the idea of combining the individual impairment factors into a composite "whole body impairment factor". This factor quantifies the level of impairment the whole person suffers as a result of the combination of factors identified for a particular injury. This approach is similar to that used by the American Medical Association [5].

Another key to the development of the impairment concept was the idea of using time rather than dollars as a measure of societal impact. An estimate of the duration of impairments lasting less than one year was made by collapsing the time values for each of the six categories of impairment identified above into an equivalent single time period [6], and an estimate of the impairment greater than one year for each injury was made by using the whole body impairment factors identified in the IPR [7]. These analyses also demonstrated the feasibility of using impairment to solve a variety of problems of interest to the agency.

The agency efforts to develop impairment estimates have focused on developing a concept applicable to injuries sustained in motor vehicle crashes, compatible with its injury and fatality data bases, that could be understood by society at large, and applied by non-medically-trained personnel. Other approaches to impairment which may be useful in performing this work have been reported. The World Health Organization has developed a guide to the consequences of disease [8]. The Association for the Advancement of Automotive Medicine has been developing an impairment scale to parallel their Abbreviated Injury Scale, (AIS) [9]. A uniform data system for recording medical rehabilitation information is available, which focuses on the amount of help a person needs to accomplish normal everyday functions [10]. Several authors have presented impairment related data in a form convenient to their research [11, 12, 13]. Also, impairment scales have been developed in the application of "utility theory" to the problem of determining health status [14].

This notice outlines research that would further develop the impairment concept. It specifically requests the development of a comprehensive definition of impairment, and the development of impairment factors for the injuries sustained in motor vehicle crashes.

Objectives

Based upon the result of research to date, the agency has identified two specific objectives for this cooperative research effort:

1. *Develop a comprehensive definition of functional impairment.* Research in this must be broadly based, including the judgment of experts in several disciplines, such as physicians specializing in neurology, orthopedics, plastic surgery, general surgery, burn therapy, psychiatry, etc.; nurses experienced in trauma care; and experts in rehabilitation including physicians, nurses, physical therapists, etc.; as well as the opinions of the injured population and the general population, as appropriate. The results of this research would be a comprehensive definition of impairment that would (a) identify and define the categories that should be included in such a definition, (b) identify and define severity levels for each category, and (c) estimate the whole body impairment for each category/severity level based on the opinions of the experts developing the definition. (Note that a comprehensive estimate of the whole body factors based upon the opinions of the population at large is not the objective of this cooperative research effort.)

2. *Estimate the duration of impairment for injuries sustained in motor vehicle crashes using the categories/severity levels developed in the first objective.* Research in this area also must be broadly based, including the interactive judgement of experts in several disciplines, such as physicians specializing in neurology, orthopedics, plastic surgery, general surgery, burn therapy, psychiatry, etc.; nurses experienced in trauma care; and experts in rehabilitation including physicians, nurses, physical therapists, etc.; as well as the opinions of the injured population and the general population as appropriate. In order to be comprehensive, the injuries would include all of the AIS 2-5 injuries sustained in motor vehicle crashes shown in AIS 1980 [15], AIS 1985 [16], and International Classification of Diseases (ICD 9), [17], as well as the impairment resulting from certain AIS 1 injuries that have the potential for long term impairment, such as whiplash and blindness, plus any additional injuries that the experts believe may have long term impact. In addition, the effect of any differences in impairment as a function of the injured person's age, and any reduction in life expectancy as a result of the injury would be included. In order to be most useful to the scientific community, these results would be

formatted for personal computer use, applying some widely available spread sheet or data base program.

NHTSA Involvement

NHTSA, Planning and Policy Development Division, will be involved in all activities undertaken as part of the cooperative agreement program and will:

1. Provide, on an as-available basis, one professional staff person, to be designated as the Contracting Officer's Technical Representative (COTR), to participate in the planning and management of the cooperative agreement and coordinate activities between the organization and NHTSA.
2. Make available information and technical assistance from government sources, within available resources and as determined appropriate by the COTR.
3. Provide liaison with other government agencies and organizations, as appropriate.
4. Stimulate the exchange of ideas. For example, the agency may consider holding a symposium, a public hearing or using other methods available to it in order to develop the broadest consensus on the categories and severity levels to include in a comprehensive definition of impairment.

Period of Support

Contingent upon the availability of funds and satisfactory performance, one cooperative agreement will be awarded to an eligible organization for a project period of up to two years. Anticipated funding level for FY 1989 will be \$95,000. To obtain funding after the initial 12 month period, a continuation application and approval will be required. Continuation applications will not be subject to competitive review, but must demonstrate that the continuation effort will effectively and efficiently fulfill the program objectives.

Eligibility Requirements

In order to be eligible to participate in this cooperative agreement program, an applicant must be an educational institution or other nonprofit research organization.

Application Procedure

Each applicant must submit one original and two copies of their application package to: Office of Contracts and Procurements (NAD-30), NHTSA, 400 7th Street SW, Room 5301, Washington, DC 20590. Only complete application packages received on or before June 5, 1989 shall be considered. Submission of three additional copies will expedite processing, but is not required.

The application package must be submitted with a Standard Form 424 (rev. 4-88), which shall include the certified assurances, and provide the following:

1. A description of the objectives, goals, and anticipated outcomes of the proposed research effort and the method or methods that will be used.
2. The proposed program director and other key personnel identified for participation in the proposed research effort, including description of their qualifications and their respective organizational responsibilities.
3. A description of the applicant's previous experience or on-going research program that is related to this proposed research effort.
4. A detailed budget for the proposed research effort, including any cost-sharing contribution proposed by the applicant as well as any additional financial commitments made by other sources.

Review Process and Criteria

Initially, all applications will be reviewed to confirm that the applicant is an eligible recipient and to assure that the application contains all of the information required by the Application Contents section of this notice.

Each complete application from an eligible recipient will then be evaluated by a Technical Evaluation Committee. The applications will be evaluated using the following criteria:

1. The potential of the proposed research effort accomplishments to make an innovative or significant contribution to the base of knowledge on the societal impacts of injuries.
2. The technical merit of the proposed research effort, including the feasibility of the approach, planned methodology and anticipated results.
3. The adequacy of the organizational plan for accomplishing the proposed research effort, including the qualifications and experience of the research team, the various disciplines represented, and the relative level of effort proposed for professional, technical and support staff.

Terms and Conditions of the Award

1. During the effective period of the cooperative agreement awarded as a result of this notice, the agreement shall be subject to the general administrative requirements of OMB Circular A-110 (or the "common rule" if effected prior to the award), the cost principles of OMB Circular A-21 or A-122, as applicable to the recipient, and the requirements for a drug-free workplace set forth in 49 CFR Part 29.

2. The recipient shall submit a quarterly performance report within 30 days after each quarter, including any data bases developed as part of this cooperative agreement, and a final report within 90 days of the completion of the entire research effort. An original and two copies of each report shall be submitted to the COTR.

Issued on: April 6, 1989.

Adele Derby,

Associate Administrator for Plans and Policy.

References

1. "A Search for Priorities in Crash Protection", A.C. Malliaris, Ralph Hitchcock, and James Hedlund, SAE 820242 and "Harm Causation and Ranking in Car Crashes", A.C. Malliaris, Ralph Hitchcock, and Marie Hansen, SAE 850090.
2. "On the Examination of Biases in the Abbreviated Scale", R. Eppinger, 11th International Technical Conference on Experimental Safety Vehicles, Washington, DC, May 1987.
3. "Impairment Scaling from the Abbreviated Injury Scale", A. Hirsch et. al., DOT HS-06 848, June 1983.
4. "Injury Priority Analysis", Oliver Carsten and James O'Day, UMTRI-84-24, October 1984 and "Relationship of Accident Type to Occupant Injuries", Oliver Carsten, UMTRI 86-15, April 1986.
5. "Guides to the Evaluation of Permanent Impairment, 2nd Edition", American Medical Association, Chicago, 1984.
6. "Priorities in Automotive Crash Safety Based on Impairment", J. Marcus, R. Blodgett, 11th International Technical Conference on Experimental Safety Vehicles, May, 1987, Washington, DC.
7. "The Use of Impairment for Establishing Accident Injury Research Priorities", Stephen Luchter, SAE 871078.
8. "International Classification of Impairments, Disabilities, and Handicaps", World Health Organization, Geneva, 1980.
9. Personal communication, John D. States, in his capacity as chair of an Association for the Advancement of Automotive Medicine committee considering impairment scaling. "Proposed Impairment Scale (IS) and Disability Scale (DS)", John D. States, and David C. Viano, June 29, 1987.
10. "A Uniform National Data System for Medical Rehabilitation", Byron B. Hamilton, et. al., in *Rehabilitation Outcomes*, edited by Marcus J. Fuhrer, Paul Brookes Publishing Co., Baltimore, 1987, also "Guide for the Use of the Uniform Data Set for Medical Rehabilitation", The Buffalo General Hospital, State University of New York, Buffalo, 1987.
11. "Functional Recovery and Medical Costs of Trauma: An Analysis by Type and Severity of Injury", Ellen J. MacKenzie et. al., *The Journal of Trauma*, Vol 28, no 3, March 1988.
12. "Permanent Disability in Road Accident Casualties", E. Grattan and J. A. Hobbs, TRRL Report LR924, Transport and Road Research Laboratory, Crowthorne, UK, 1980.
13. "Social and Economic Losses from Road Accidents", The Japan Research Center for Transport Policy, June, 1988.

14. "Multiattribute Utility Theory as a Method of Measuring Social Preferences for Health States in Long-Term Care", George W. Torrance, Appearing in *Values and Long-Term Care*, Robert L. Kane and Rosalie A. Kane, Lexington Books, 1982. This paper includes an extensive bibliography of the application of utility theory to evaluation of health status.

15. "The Abbreviated Injury Scale, 1980 Revision", American Association for Automotive Medicine, Morton Grove, IL, 1980.

16. "The Abbreviated Injury Scale, 1985 Revision", American Association for Automotive Medicine, Morton Grove, IL, 1985.

17. "The International Classification of Diseases, 9th Revision, Clinical Modification", Commission on Professional and Hospital Activities, Ann Arbor, MI, 1980.

[FR Doc. 89-8661 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-59-M

Announcement of Fifth Meeting of Motor Vehicle Safety Research Advisory Committee

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the fifth meeting of the Motor Vehicle Safety Research Advisory Committee (MVSRAAC). The Committee was established in accordance with the provisions of the Federal Advisory Committee Act to obtain independent advice on motor vehicle safety research. At this meeting the Committee will consider reports from subcommittees on rollover crash protection for occupants of passenger cars, light trucks, and vans; biomechanics of injury; heavy truck safety; and crash data analysis. The Committee will also consider matters relating to the use of Intelligent Vehicle/Highway Technologies to improve vehicle safety in the traffic of tomorrow and review committee procedural matters.

DATE AND TIME: The meeting is scheduled to begin at 10:30 a.m. on Monday, May 1, 1989, and conclude at 5:00 p.m. that afternoon. If necessary, the meeting will continue through the morning of May 2, 1989.

ADDRESS: The meeting will be held in Room 2230 of the U.S. Department of Transportation Building, which is located at 400 Seventh Street SW., Washington, DC.

SUPPLEMENTARY INFORMATION: In May 1987, the Motor Vehicle Safety Research Advisory Committee was established. The purpose of the Committee is to provide an independent source of ideas for motor vehicle safety research. The MVSRAAC will provide information,

advice, and recommendations to NHTSA on matters relating to motor vehicle safety research, and provide a forum for the development, consideration and communication of motor vehicle safety research, as set forth in the MVSRAAC Charter.

The meeting is open to the public, and participation by the public will be determined by the Committee Chairman.

A public reference file (Number 88-01) has been established to contain the products of the Committee and will be open to the public during the hours of 8:00 a.m. to 4:00 p.m. at the National Highway Traffic Safety Administration's Technical Reference Division in Room 5108 at 400 Seventh Street SW., Washington, DC 20590, telephone: (202) 366-2768.

FOR FURTHER INFORMATION CONTACT:

Mary Coyle, Office of Research and Development, 400 Seventh Street SW., Room 6206, Washington, DC 20590, telephone: (202) 366-5926.

Issued on: April 7, 1989.

Howard M. Smolkin,

Chairman, Motor Vehicle Safety Research Advisory Committee.

[FR Doc. 89-8763 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP89-92; Notice 1]

Receipt of Petition for Determination of Inconsequential Noncompliance; Fleetwood Enterprises, Inc.

Fleetwood Enterprises, Inc. (Fleetwood) of Riverside, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New Pneumatic Tires for Vehicles Other Than Passenger Cars," on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

The agency has reviewed Fleetwood's petition and found that, in fact, it reports a noncompliance with FMVSS No. 120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars", not FMVSS No. 119. Paragraph 5.1.1 of FMVSS No. 120 requires that except as specified in S5.1.3., each vehicle equipped with pneumatic tires for

highway service shall be equipped with tires that meet the requirements of Standard No. 119 and with rims that are listed by the manufacturer of the tires as suitable for use with those tires, in accordance with S5.1 of Standard No. 119. Fleetwood manufactured 74 travel trailers between July 1988 and October 1988 that failed to comply with S5.1.1 of Standard No. 120. Goodyear specified that the P205/75R15 and ST205/75R15C tires be used in conjunction with 5½ inch or 6 inch wide rims. Fleetwood used these tires on the above mentioned travel trailers with 5 inch wide rims.

Fleetwood supports its petition for inconsequential noncompliance with the following:

(1) Fleetwood performed a subjective test of the overall handling of the noncompliant tire and rim combination on similarly designed travel trailers, and found the trailers performed satisfactorily.

(2) Goodyear Tire and Rubber Company tested the noncompliant tire and rim combination with the Department of Transportation's bead unseat, high speed and durability tests. In all cases, the tires passed the tests.

(3) Goodyear has petitioned the Tire and Rim Association for a change in their listing. Goodyear has requested that the P205/75R15 and the ST205/75R15C be approved for use with a 5 inch wide rim.

Interested person are invited to submit written date, views and arguments on the petition of Fleetwood Enterprises, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the *Federal Register* pursuant to the authority indicated below.

Comment closing date: May 15, 1989.

(Section 103, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1471); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on: April 7, 1989.

Barry Felrice,

Associate Administration for Rulemaking.

[FR Doc. 89-8717 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Compliance With Federal Requirements for Reporting Releases and Transporting Hazardous Materials; Joint Workshop With the Environmental Protection Agency

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of jointly sponsored workshop.

SUMMARY: This notice advises interested persons that the Department of Transportation (DOT) and Environmental Protection Agency (EPA) will jointly sponsor a workshop on complying with federal requirements for reporting releases of hazardous substances and transporting hazardous materials.

DATE: DOT/EPA Workshop—A one day workshop will be held June 8, 1989, 8:30 a.m.—4:30 p.m., at the Hyatt Regency Burlingame near the San Francisco International Airport. This workshop is being offered free of charge and is open to anyone who wants to attend.

FOR FURTHER INFORMATION CONTACT: Deborah Boothe, Research and Special Programs Administration (DHM-51), 400 Seventh Street, SW., Washington, DC 20590; (202) 366-2229, or Pamela Harris, Environmental Protection Agency, OS-210, 401 M Street, SW., Washington, DC 20460; (202) 475-9815.

ADDITIONAL INFORMATION: This workshop will provide practical information to assist regulated firms in complying with release reporting and transportation requirements. Specifically the workshop will address:

- What is required to report releases of hazardous substances
- What substances are subject to reporting requirements
- What kinds of releases must be reported
- What exemptions from reporting requirements are provided
- What kinds of report-related information will be requested
- What penalties may be assessed for failure to report releases
- How to properly classify hazardous materials for transportation
- How to properly package, label and prepare shipping papers for transporting hazardous materials
- What mechanisms exist for enforcement of violations of the transportation requirements

Issued in Washington, DC on April 7, 1989, under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 89-8816 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-50-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: April 7, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the Submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB Number: 1512-0100

Form Number: ATF F 1740.1 and ATF F 1740.2

Type of Review: Extension

Title: Environmental Information and Supplemental Information on Water Quality Considerations

Description: ATF F 1740.1 and ATF F 1740.2 implement regulations of the Clean Water Act and the National Environmental Policy Act (NEPA). The NEPA authorizes ATF through ATF F 1740.1 to require a license or permit application to state the location of existing or proposed activities concerned with land, air pollution, water and activities related to an ATF permit or license issued.

Respondents: Businesses or other for-profit, Small businesses or organizations

Estimated Number of Respondents: 10,000

Estimated Burden Hours Per Response: 15 minutes

Frequency of Response: On occasion

Estimated Total Reporting Burden: 5,000 hours

Clearance Officer: Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue NW., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89-8764 Filed 4-12-89; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF VETERANS AFFAIRS

Geriatrics and Gerontology Advisory Committee; Meeting Date Change

In accordance with Pub. L. 92-463, the meeting of the Geriatrics and Gerontology Advisory Committee (GCAC) which was originally scheduled for April 24, 1989, as set forth in Federal

Register of April 4, 1989, (48 FR 13603) is now scheduled to meet on April 24 and 25, 1989. The meeting on April 24 will be held on the Omar Bradley Conference Room located on the 10th floor of the Department of Veterans Affairs, 810 Vermont Avenue, NW., from 8:30 a.m. to 4 p.m. The meeting on April 25 will be held in Room 340 of the Cannon House Office Building, First Street and Independence Avenue, SE, Washington, DC, and is scheduled from 9 a.m. to 12 noon. Both sessions are open to the public, however, because seating capacity is limited in the Omar Bradley Conference Room, it will be necessary for those wishing to attend the meeting to contact Jacqueline Holmes, Program Assistant, Office of Assistant Chief Medical Director for Geriatrics and Extended Care (phone 202/233-5983)

prior to April 21, 1989. The purpose of the GCAC is to advise the Secretary of Veterans Affairs and the Chief Medical Director relative to the care and treatment of the aging veterans and to evaluate the Geriatric Research, Education and Clinical Centers. This notice of meeting date change provides for less than 15 days notice because final arrangements for the session on April 25 were just confirmed. It is not possible in the near future to convene the membership and the meetings must be held at the scheduled times.

Dated: April 11, 1989.

By direction of the Secretary.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 89-9038 Filed 4-12-89; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 70

Thursday, April 13, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 18, 1989
10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, April 20, 1989,
10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.

Draft Advisory Opinions:

Draft AO 1989-02: Patricia K. Baker on behalf of Dave Baker for Congress

Draft AO 1989-03: David Binns on behalf of ESOP PAC

Status of Presidential Audits

Fiscal Year 1989 Management Plan Revisions and Reallocations

Administrative Matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer,
Telephone: 202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 89-9033 Filed 4-11-89; 3:34 pm]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday,
April 19, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of a mechanical/electrical retrofit within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne,
Assistant to the Board; (202) 452-3204.
You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: April 11, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-9037 Filed 4-11-89; 3:39 pm]

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of April 10, 1989.

A closed meeting will be held on Tuesday, April 11, 1989, at 12:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 11, 1989, at 12:30 p.m., will be:

Settlement of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Anthony Ain at (202) 272-2400.

Jonathan G. Katz,

Secretary.

April 10, 1989.

[FR Doc. 89-9033 Filed 4-11-89; 12:34 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register

Vol. 54, No. 70

Thursday, April 13, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF LABOR

Occupational Safety and Health

Administration

Air Contaminants

29 CFR Part 1910

Correction

In rule document 89-6947 beginning on page 12792 in the issue of Tuesday, March 28, 1989, make the following correction:
On page 12819 "Integrated Table of Contents for January 19, 1989 Notice", beginning in the first column was incorrect and should read as follows:

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Registered Traveler

Thursday
April 13, 1989

Part II

Department of Defense

Office of the Secretary

Per Diem, Travel and Transportation
Allowance Committee; Changes in Per
Diem Rates; Notice

DEPARTMENT OF DEFENSE

OFFICE OF THE SECRETARY OF DEFENSE

PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE

AGENCY: Per Diem, Travel and Transportation Allowance Committee

ACTION: Publication of Changes in Per Diem Rates

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 147. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and possessions of the United States. Bulletin Number 147 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 1 April 1989

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	RATE	EFFECTIVE DATE
ALASKA:		
ADAK 1/	\$ 25	01-01-88
ANAKTUVUK PASS	140	01-01-88
ANCHORAGE	125	01-01-88
ATQASUK	215	01-01-88
BARROW	146	04-01-88
BETHEL	135	02-01-89
BETTLES	110	01-01-88
COLD BAY	125	02-01-89
COLDFOOT	122	01-01-88
COLLEGE	122	02-01-89
CORDOVA	143	02-01-89
DILLINGHAM	114	01-01-88
DUTCH HARBOR-UNALASKA	127	01-01-88
EIELSON AFB	122	02-01-89
ELMENDORF	125	01-01-88
FAIRBANKS	122	02-01-89
FT. RICHARDSON	125	01-01-88
FT. WAINWRIGHT	122	02-01-89
HOMER	115	01-01-88
JUNEAU	117	02-01-89
KATMAI NATIONAL PARK	148	01-01-88
KENAI	119	04-01-88
KETCHIKAN	119	02-01-89
KING SALMON 3/	134	01-01-88
KODIAK	118	01-01-88
KOTZEBUE 3/	143	04-01-88
KUPARUK OILFIELD	127	01-01-88
MURPHY DOME 3/	122	02-01-89
NOATAK	143	04-01-88
NOME	129	01-01-88
NOORVIK	143	04-01-88
PETERSBURG	119	02-01-89
POINT HOPE	160	01-01-88
POINT LAY	179	01-01-88
SAND POINT	103	01-01-88
SEWARD	109	02-01-89
SHEMYA AFB 3/	30	01-01-88
SHUNGNAK	143	04-01-88
SITKA-MT. EDGECOMBE	119	02-01-89
SKAGWAY	119	02-01-89

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE
COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND
POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN
EMPLOYEES

LOCALITY	RATE	EFFECTIVE DATE
ALASKA: (CONT'D)		
SPRUCE CAPE	\$118	01-01-88
ST. MARY'S	100	01-01-88
ST. PAUL ISLAND	115	01-01-88
TANANA	129	01-01-88
UMIAT	160	01-01-88
UNAKAKLEET	105	01-01-88
VALDEZ	147	01-01-88
WAINWRIGHT	165	01-01-88
WALKER LAKE	136	01-01-88
WRANGELL	119	02-01-89
YAKUTAT	110	01-01-88
OTHER 3, 4/	94	02-01-89
AMERICAN SAMOA	81	01-01-88
GUAM, M.I.	122	06-01-88
HAWAII:		
ISLAND OF HAWAII (HILO)	70	01-01-88
ISLAND OF HAWAII (OTHER)	91	01-01-88
ISLAND OF KAUAI		
04-01--12-19	95	06-01-88
12-20--03-31	127	01-01-88
ISLAND OF OAHU	116	06-01-88
OTHER	91	06-01-88
JOHNSTON ATOLL 2/	35	02-01-89
MIDWAY ISLANDS 1/	13	01-01-88
NORTHERN MARIANA ISLANDS:		
ROTA	76	01-01-88
SAIPAN	115	02-01-89
TINIAN	68	01-01-88
OTHER	20	01-01-88
PUERTO RICO:		
BAYAMON		
05-16--12-15	133	11-01-88
12-16--05-15	163	12-16-88
CAROLINA		
05-16--12-15	133	11-01-88
12-16--05-15	163	12-16-88
FAJARDO (INCLUDING LUQUILLO)		
05-16--12-15	133	11-01-88
12-16--05-15	163	12-16-88

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	RATE	EFFECTIVE DATE
PUERTO RICO: (CONT'D)		
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)		
05-16--12-15	\$133	11-01-88
12-16--05-15	163	12-16-88
ROOSEVELT ROADS		
05-16--12-15	133	11-01-88
12-16--05-15	163	12-16-88
SABANA SECA		
05-16--12-15	133	11-01-88
12-16--05-15	163	12-16-88
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)		
05-16--12-15	133	11-01-88
12-16--05-15	163	12-16-88
OTHER	121	11-01-88
VIRGIN ISLANDS OF THE U.S.		
05-01--11-30	144	05-01-88
12-01--04-30	180	01-01-88
WAKE ISLAND 2/	21	04-01-89
ALL OTHER LOCALITIES	20	01-01-88

FOOTNOTES

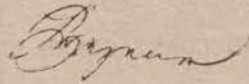
1/ Commercial facilities are not available. The per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler. For Adak, Alaska: on any day when Government quarters are not used and quarters are obtained at a construction camp, a daily travel per diem allowance of \$69 is prescribed to cover the costs of lodging, meals and incidental expenses.

2/ Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

3/ On any day when US Government or contractor quarters and US Government or contractor messing facilities are used, a per diem rate of \$13 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Fort Yukon, Galena, Indian Mountain, King Salmon, Sparrevohn,

Tatalina and Tin City. This rate will be increased by the amount paid for US Government or contractor quarters and by \$4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

4/ On any day when US Government or contractor quarters and US Government or contractor messing facilities are used, a per diem rate of \$34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for US Government or contractor quarters and by \$10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.



L.M. BYNUM
Alternate OSD Federal Register
Liaison Officer
Department of Defense
April 7, 1989

[FR Doc. 89-8812 Filed 4-12-89; 8:45am]

BILLING CODE 3810-01-C

Federal Register

Thursday
April 13, 1989

Part III

Department of Transportation

Research and Special Programs Administration

49 CFR Part 199

Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations; Modification of Implementation Dates; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Part 199

[Docket No. PS-102, Amdt. No. 199-1]

RIN 2137-AB54

Control of Drug Use in Natural Gas,
Liquefied Natural Gas, and Hazardous
Liquid Pipeline Operations**AGENCY:** Research and Special Programs
Administration (RSPA), DOT.**ACTION:** Final rule; modification of
implementation dates.

SUMMARY: RSPA has received petitions for reconsideration of its final rule requiring operators of pipeline facilities used for the transportation of natural gas or hazardous liquids and operators of liquefied natural gas facilities to have an anti-drug program for persons who perform certain sensitive safety-related functions covered by the pipeline safety regulations. On March 21, 1989, the Supreme Court upheld as constitutional a related rule issued by DOT requiring post-accident and reasonable suspicion drug testing for rail employees performing safety functions as well as a drug-testing program instituted by the U.S. Customs Service to test certain of its employees. RSPA is delaying the implementation dates stated in its rule to permit careful reevaluation of its rule in light of the Supreme Court's recent guidance, as well as consideration of the issues raised by the petitions for reconsideration now pending before it.

DATES: The amendments in this document are effective April 13, 1989. RSPA expects to issue a notice concerning its reevaluation of the rule by October 2, 1989, and thereafter undertake necessary and appropriate action on all related and pending matters, including the petitions for reconsideration. Dates set forth in the final rule for commencement of drug testing are modified in the following manner: The dates for operators with more than 50 employees subject to drug testing to begin the drug testing required by the final rule is delayed from December 21, 1989 to April 20, 1990, and the date for operators with 50 or fewer such employees to begin to conduct the program is delayed from April 23, 1990 to August 21, 1990.

FOR FURTHER INFORMATION CONTACT: Cesar DeLeon, Assistant Director for Regulation, Office of Pipeline Safety, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 366-1640.

SUPPLEMENTARY INFORMATION: On November 21, 1988, RSPA published a final rule (53 FR 47084) entitled "Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations." The rule requires pipeline operators to have an anti-drug program which includes pre-employment, post-accident, random, and reasonable cause drug testing and an employee assistance program for education and training regarding the effects and consequences of drug use. Since the rule was published, several intervening events have led RSPA to conclude that reevaluation of the rule is necessary.

RSPA has received petitions for reconsideration of the final rule from the American Gas Association, the Interstate Natural Gas Association of America, the Midcon Corporation, Tenneco Gas Pipeline Group, Pacific Gas and Electric Company, and El Paso Gas Company. The petitions remain under consideration, and RSPA intends to issue notice of the action taken on the petitions following completion of its reevaluation of the rule.

On March 21, 1989, the Supreme Court announced its decisions in two cases that directly affect employee drug testing programs: *Skinner v. Railway Labor Executives' Association*, No. 87-1555, and *National Treasury Employees Union v. Von Raab*, No. 86-1979.

At issue in *Skinner* was another DOT rule requiring railroads to conduct drug tests of employees involved in major train accidents and authorizing testing of employees who violated certain safety rules. In *Von Raab*, the Court considered a U.S. Customs Service testing program applicable to employees (or applicants for employment) seeking positions involving the interdiction of drug traffic or requiring the carrying of firearms. In both, the Court upheld the constitutionality of federally-mandated drug testing.

The Supreme Court agreed that the drug tests were "searches" and, therefore, implicated by the Fourth Amendment's protection against "unreasonable searches and seizures;" however, the Court concluded that the tests were reasonable, under a "balancing test" that measured the privacy interests of the employees against the Government's public safety and law enforcement interests. The most important factors in this balancing were: The Government's compelling interest in detecting and deterring the use of drugs and alcohol by workers in safety or security-related jobs; the employees' diminished expectations of privacy resulting from either existing, pervasive governmental safety regulation or the

nature of the employees' duties; and the minimal intrusion on employee privacy from the tests, which were conducted in a medical-like environment and, generally, without direct observation.

The Court found the Government's interests in drug testing sufficiently compelling to make unnecessary warrants, probable cause or "individualized suspicion" (reversing an earlier ruling by the U.S. Court of Appeals for the Ninth Circuit, 839 F.2d 575). The Court noted that a substance-impaired employee performing a safety-sensitive job could cause tragic consequences long before any signs of impairment were noticeable. Significantly, the Court found the Government's interest served by the deterrent effect of the drug testing in both cases, notwithstanding that testing might reveal few drug users. In *Von Raab*, however, the Court held that the record evidence was insufficient to determine whether the drug testing was reasonable for employees subject to testing only because they had access to classified materials. The Court remanded this issue to the Fifth Circuit Court of Appeals.

This recent, important guidance from the Supreme Court speaks directly to issues now before RSPA on reconsideration (including the appropriate scope of coverage of the rule, the nature of RSPA's pipeline safety mandate in relation to the privacy interests of pipeline workers, and the importance of deterrence). Therefore, RSPA has determined that it is appropriate to reevaluate the rule.

RSPA will reevaluate its drug rule in light of these decisions to ensure that the rule comports with the guidance set forth by the Court and that RSPA can take full advantage of the imprimatur that the Court has put on employee drug testing programs. RSPA's goal remains, as noted in the final rule, a drug-free, and hence safer, pipeline operating environment. 53 FR 47084.

Unlike the remainder of the DOT drug testing rules, the RSPA drug rule applies to an industry which does not transport people (i.e., operators or passengers), namely, the pipeline industry. In addition, the nature of the safety functions performed by pipeline employees and the definition of those employees who would be subject to the RSPA rule, when compared to other DOT-regulated industries, warrant further consideration in light of the Supreme Court's recent decisions.

This final rule amendment also addresses the issue of the international impact of the final rule. In the rule issued November 21, 1988, RSPA

provided that Part 199 is not effective until January 1, 1990, with respect to any person for whom a foreign government contends that application of the part raises questions of compatibility with that country's domestic laws or policies. RSPA had intended that the rule provide an additional year to initiate testing in order to enable government-to-government discussions to reach permanent resolution of any conflict between the final rule and a foreign country's laws or policies. Therefore, as amended, the rule will be effective January 1, 1991, for persons for whom a foreign government contends that there are issues of compatibility of our rule with its laws or policies.

Notwithstanding the generally good safety record of the pipeline transportation industry, RSPA still believes that mandated drug testing programs are needed to assure a continued good safety record. However, reevaluation of the rule, particularly its scope, is appropriate at this time. Because of the complexity of the issues involving the RSPA rule and the proximity of the dates for implementation, RSPA will delay those dates in order to allow full consideration of the issues. If, on October 2, 1989, further delay appears to be needed, it will be provided for.

Reason for No Notice and Comment

These amendments to the final anti-drug rule are needed immediately to delay the compliance dates specified in the final rule. Under the implementation schedule published in the *Federal Register* on November 21, 1988, certain pipeline operators would have been required to begin testing by December 21, 1989. RSPA believes that delay of the date by which testing must begin will enable it to reevaluate its rule in light of the Supreme Court's recent guidance and consider the issues raised by the petitions for reconsideration.

For these reasons, RSPA has determined that good cause exists to make this final rule effective without notice and public comment procedures. Such procedures are impracticable, unnecessary, and contrary to the public interest in this matter.

Economic Assessment

In accordance with the requirements of Executive Order 12291, RSPA reviewed the costs and the benefits of the final anti-drug rule published on November 21, 1988. At that time, RSPA prepared a Final Regulatory Evaluation of the final rule. RSPA included that evaluation in the public docket. RSPA

also summarized and analyzed the comments submitted by interested persons on the economic issues in the final rulemaking document.

This final rule merely extends certain compliance dates to enable consideration of issues raised subsequent to publication of the final rule on November 21, 1988. This rulemaking action does not change the basic regulatory structure and requirements promulgated in the final anti-drug rule. Therefore, RSPA anticipates that there would be little or no cost associated with the extension of the compliance dates. Because any potential difference in costs and benefits would be minimal, RSPA has determined that revision of the Final Regulatory Evaluation for the final anti-drug rule is not necessary and preparation of a separate economic analysis for this final rule is not warranted. This final rule will not result in an annual effect on the economy of \$100 million or more and will not result in a significant increase in consumer prices; thus, the final rule is not a major rule pursuant to Executive Order 12291. However, the final anti-drug rule is significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979) because it involves issues of substantial interest to the public.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 requires a Federal agency to review any final rule to assess its impact on small business. The amendments contained in this final rule extend certain compliance dates. In consideration of the nature of these amendments, RSPA certifies that this final rule will not have a significant impact on a substantial number of small entities.

International Trade Impact Statement

This final rule contains an amendment that extends the effective date for persons for whom a foreign government contends that there are issues of compatibility of our rule with its laws or policies. Thus, RSPA has determined that this final rule will not have an impact on trade opportunities for U.S. firms doing business overseas or on foreign firms doing business in the United States.

Paperwork Reduction Act

The recordkeeping and reporting requirements of the final anti-drug rule, published on November 21, 1988, previously were submitted to the Office of Management and Budget (OMB) and

approved in accordance with the Paperwork Reduction Act of 1980. Because this final rule does not amend the recordkeeping and reporting requirements, it is not necessary to amend the prior approvals received from OMB.

Federalism Implications

The final rule adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, RSPA has determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 199

Pipeline safety, Drug testing.

In view of the foregoing, RSPA amends 49 CFR Part 199 as follows:

PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

Authority: 49 App. U.S.C. 1672, 1674a, 1681, 1804, 1808, 2002, and 2040; 49 CFR 1.53.

2. Section 199.1(b) and (d) are revised to read as follows:

§ 199.1 Scope and compliance.

* * * * *

(b) Operators with more than 50 employees subject to drug testing under this part need not comply with this part until April 20, 1990. Operators with 50 or fewer employees subject to drug testing under this part need not comply with this part until August 21, 1990.

* * * * *

(d) This part is not effective until January 1, 1991, with respect to any person for whom a foreign government contends that application of this part raises questions of compatibility with that country's domestic laws or policies. On or before December 1, 1989, the Administrator shall issue any necessary amendment resolving the applicability of this part to such person on and after January 1, 1991.

Issued in Washington, DC, on April 7, 1989.

M. Cynthia Douglass,
Administrator, Research and Special
Programs Administration.

[FR Doc. 89-8815 Filed 4-12-89; 8:45 am]

BILLING CODE 4910-60-M

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Thursday, April 13, 1989

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S. 201/P.L. 101-12

Whistleblower Protection Act of 1989. (Apr. 10, 1989; 103 Stat. 16; 20 pages) Price: \$1.00

